

## SENATE—Wednesday, April 28, 1993

(Legislative day of Monday, April 19, 1993)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. Today's prayer will be offered by guest chaplain, the Reverend Soterios Alexopoulos, St. Philip Greek Orthodox Church, Nashua, NH.

Father Alexopoulos.

## PRAYER

The Chaplain, the Reverend Soterios Alexopoulos, St. Philip Greek Orthodox Church, Nashua, NH, offered the following prayer:

Let us pray:

Almighty and merciful God, the Creator of the universe, the Source of Life, we thank You for this gathering.

We pray that You will help and sustain our new President and Vice President and all Senators to exercise their responsibilities in accordance with Your commandments. Give them divine guidance to fulfill these responsibilities to You, O God, to the Constitution of the United States, and to the people who have elected them to this great task. In their undertakings, dear God, give them faith, courage, and strength to continue with their work for a better society. Hear us, O Lord, for unto Thee do we bow submissively, inclining our heads and entreating Your mercy upon Thy faithful servants. Save Thy people and bless Your heritage.

Today is a new day, God; a memorable day that You have given to us and to our elected officials. Give them the wisdom and the diligence to fulfill their obligations to our country and to the people who elected them to safeguard our democracy.

Visit this assembly with compassion. Exalt the prestige of our Nation and the office of our Senators, and send down upon them Thy rich mercies. Preserve their lives and multiply their days with health and wisdom. Grant unto them progress in all virtues. Sanctify their souls, enlighten their minds, and direct their hearts by the Holy Spirit. Make them to be children of light, thereby walking the path of peace, of love, of hope, of justice, and righteousness.

This year as we celebrate the 217th anniversary of independence of the United States of America, we look upon You who provided us with the freedom and richness of our country. We hope and pray our Nation will always be strong in faith, in justice, and in liberty for all mankind. Once again, we thank You, and we beseech You to

give health, salvation, and protection to all of us.

The PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

## TRIBUTE TO REV. SOTERIOS ALEXOPOULOS

Mr. GREGG. Mr. President, I rise today to express my appreciation for Father Alexopoulos coming to give the opening prayer. Father Alexopoulos has been a leader in the community of Nashua, NH, for many years. He just celebrated his 20th anniversary as the priest of the St. Philip Church in Nashua, NH; it is an activist church, to say the least, with a wonderful membership who not only are committed in faith but are also committed to the community. We take a great deal of pride and energy in their involvement in making Nashua a better place for all of us.

It is also a regional church that brings in membership from throughout the southern part of New Hampshire and as such reaches out well beyond just the community of Nashua to include positive prayers for all the citizenry of the State.

So it is a great pleasure today to have Father Alexopoulos with us. And I thank him for his opening prayer and thank the Chair for the honor of this privilege.

## RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Iowa [Mr. GRASSLEY] is recognized under the order to speak for up to 10 minutes.

Mr. GRASSLEY. Thank you, Mr. President.

## THE FIRST 100 DAYS

Mr. GRASSLEY. Mr. President, I rise today to offer my perspective on the first 100 days of the Clinton administration as many of my colleagues are doing and as the President of the

United States himself is doing, and I do this not only for perspective but to offer help and advice as well.

The President led the Nation to expect lofty results in his administration. There were numerous promises and expectations. Especially great were the promises and expectations for the first 100 days. When such bold promises and predictions are made, results are bound to be carefully scrutinized, as they should. And when the promises are not met, Monday morning quarterback usually emerge from the woodwork.

It is now less than a week since the NFL draft. That is when rookies are drafted from the college ranks into the pros. There are, perhaps, valuable lessons in this that crosswalk into political life; some of these lessons are relevant to the 100 days phenomenon.

This year, a quarterback was the top pick in the NFL draft. He is expected to lead his team from the depths of despair to a new beginning.

There is something about highly regarded rookies. They signify hope for the fans.

In a way, we might view the election last November much as a football draft. Mr. Clinton was the No. 1 pick. We picked him to quarterback our great Nation. He represented great hope.

For my part, the choice of Mr. Clinton was a disappointment. I wanted us to draft someone different—someone from the Republican team, someone with different qualities, with different capabilities, a different philosophy. But we chose Quarterback Clinton. And now, he is our quarterback. And we, of course, hope he succeeds, myself included, for the good of team America.

The lofty promises of Quarterback Clinton led to high expectations by the fans, the American people. He was expected to put this troubled franchise, this economy, back on its feet. He promised change and new direction. Who could resist this?

Now, it often happens, Mr. President, that rookies get overconfident. They get cocky. Usually, that is because they have not yet faced the realities of the big leagues.

Perhaps they get cocky because of the attention from the fans—the flattery, the hooplah. Soon, the rookie actually believes he can play in the big leagues on his own ability—without learning the system. He might even believe he can lead the league in passing in his very first year. His first 100 days in the league will be an explosive, ac-

tion period, and the most productive period in modern history.

Such are the characteristically high expectations of a rookie's boast. Thought is rarely given at the time to how realistic those predictions are.

But it is a different game in the pros than in college. Before long, you hit the rookie wall. You are successful at first, but the opposition adjusts and maybe even shuts you down. You realize how much you need to learn. You need to learn to read the defense, the opposition, so that you can adjust.

Mr. Clinton started off with a few solid gains. Then, carrying the stimulus, tried an end-run around the right side. He went head first into a 500-pound linebacker named BOB DOLE, and the rest of the defense swarmed in and sacked him for a loss.

It was a bad call by the President. The fans agreed and booed. But the President got up and returned to the huddle, where he is now, looking to call his next play.

Will Quarterback Clinton learn from his mistake and adjust to the defense? It is an important question, Mr. President, because if Mr. Clinton can adjust, he will be back on track toward fulfilling his promise and expectations, and he will become worthy of his selection as the top quarterback of this Nation.

Let me depart from the football analogy for a moment. Though I do find the comparisons rather appropriate.

I have been deeply disappointed in the first 100 days, not so much because of what was done or what was not done. But rather I am disappointed because of the directions signaled by the new administration.

The President made numerous promises, and has broken many. He ran as a centrist, a new kind of Democrat. Yet he has moved the agenda of the same old Democrat. He was supposed to be Mr. Town Hall; yet his health care task force is surrounded by secrecy and an absence of dialog. He said he would hit the ground running. Yet, for example, just in the Justice Department alone, he fired 93 U.S. attorneys, most of whom have not been replaced; he has 120 judicial vacancies; and, none of the Department of Justice appointments below the Attorney General level has been nominated. How is that for the administration of justice? He campaigned on fiscal discipline, yet he has taxed and spent, and failed to cut into the long-term deficit. He promised to resist special interests. Yet special interests have called the shots of his young administration.

This, Mr. President, is why Americans have become so cynical. This is how people lose faith as well as trust in their elected leaders. Politicians will say one thing to the voters, and then do the opposite once they set foot inside the beltway. This is why people do not vote. They were expecting a new Democrat, but they have seen the same

old policies of the Democratic Party so far.

To be fair to the President, his intent may not have been to say one thing and do another. It may have just come out that way. He says one thing and does another because that is the way Washington is. It will not let you do what you say you will do. Washington is kind of the enemy. That is the big leagues. So, what can be done?

Mr. President, let me suggest to our new quarterback how he can adjust to the realities of playing in the big leagues.

First, he must stop listening to those who drove him to abandon his pledges made last fall to the American people, the pledges that carried him to victory. The President's instincts are sound, I believe, and his campaign, very well run, showed that. He needs to fight those who have surrounded him since his campaign. At the outset, he needs to do more to cut the deficit. He needs to cut spending first. He needs to conduct dialog with those of us on this, the Republican, side of the aisle who want to help bring about change—real change. He has numerous allies in this body who are standing ready to help him implement what he promised the American people.

I predict, Mr. President, that if Mr. Clinton makes these adjustments, he will succeed. I want him to succeed. Even though we are in different parties, he is my President, as well, and I look forward to helping him fulfill his promises in the 100 days after the first 100 days.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 833 and S. 834 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDENT pro tempore. Under the previous order, Mr. DORGAN, the Senator from North Dakota, is recognized for not to exceed 10 minutes.

#### THE FIRST 100 DAYS

Mr. DORGAN. Mr. President, I was interested in my colleague's remarks about the President's first 100 days.

We have heard a good deal of that kind of discussion recently. When I hear the drumbeat of criticism of this President after only 100 days, I am reminded of a piece of prose. I do not recall the author, but it was about a bullfighter. It went something like this.

"Bullfight critics, row by row, crowd the vast arena full, but there is only one man there who knows, and he's the one who fights the bull."

There is a stadium of critics in this town—always has been I suppose—eager to jump upon failure or what is perceived to be failure: the could-have, should-have, would-have crowd.

Well, fortunately, this new President has decided that the issue in his Presidency is not his popularity. It is his leadership.

It has been a long time getting to this point, where we have a President who understands that the issue is not what the polls say in the morning. The issue is: What kind of leadership do I provide to this country today and tomorrow?

Franklin Delano Roosevelt led this country in very troubled times, in a grinding Depression. He was attempting to change economic policy and lead this country out of economic darkness. Here is what he said about Government then, and it is instructive today in reviewing the first 100 days of the Clinton administration.

Franklin Delano Roosevelt said:

Governments can err. Presidents do make mistakes. But the immortal Dante tells us that divine justice weighs the sins of the coldblooded and the sins of the warmhearted with different scales. Better the occasional fault of a Government that lives in a spirit of charity than the constant omission of a Government frozen in the ice of its own indifference."

Well, that ice of indifference cost the former President his Presidency last fall. The American people wanted leadership, wanted someone at the top who understood the reality of our Nation's problems and would develop plans to move us out of this mess. But that ice jam, that ice jam called the frozen ice of indifference, has moved to the minority side of the aisle in this Chamber to block the President's economic program.

Now, they say, "Well, it didn't work; it will not work." What they are really saying, it seems to me, is "We don't want to do anything." It is the same old song from people who helped get us into this trouble.

They offer a scorecard of failure for this President after only 100 days. Let me offer a different view.

One hundred days ago, this President inherited an economy that was sick, inherited a country in which over 10 million people were out of work, 25 million were on food stamps, 35 to 38 million people were without health insurance. This country was in trouble.

This President said we are going to make some changes. He promised he would do something about the deficit. He proposed the first honest budget Congress has seen in 12 years. He did not use optimistic scenarios, he did not play games, he did not hide numbers. The first honest budget in a dozen years was presented to this Chamber.

His budget proposed spending cuts. If anyone doubts that—and I hear people say, "Well, he is not really cutting spending"—if anyone doubts that, wait until the appropriations bills get up here. See who on the other side of the aisle rises up in indignation at spending cuts in their area, for their constituents, for their projects.

This President is cutting spending in a real way. He has also proposed new taxes. Nobody likes to pay new taxes. But he promised he was going to deal



with the deficit. And leadership to do that is not necessarily popular. This is tough medicine. He has proposed an honest budget with spending cuts and new taxes.

In addition to that, this President has proposed that we reform our health care system. His task force is about to report to us, having done an enormous amount of work on how exactly to accomplish that reform.

For the first time, he has folks out talking about how we must demand fair trade practices of our allies, instead of seeing our Nation flooded with all the products in the world, while other markets are closed to ours. He is proposing substantial change in our approach to international trade.

This President says jobs are the issue. The other side says, "Well, the last quarter we had economic growth." Well, we had economic growth without jobs. Economic growth without jobs is like a meal without food.

This President says we need a jobs bill—and he is right—and the other side blocked him.

This President says we need to reform our education system and he proposes new and, in my judgment, exciting approaches to change our education system.

Now let me ask my colleagues in this Chamber and those listening throughout the country. If President Bush had won a second term, what would we be debating in the Senate today? Do you suppose we would have had the kind of change in economic policy that President Clinton has proposed? There is no evidence to suggest that.

We watched for 12 years the same old thing—more deficits, more decline, more despair.

Would President Bush have been concerned about skyrocketing health care costs, enough to propose real reform? There is nothing to suggest that. He basically ignored it all the time he was in office. He and President Reagan said,

You folks in the health care industry, do what you like. We are not going to care much. We are not going to get involved. We are not going to interfere.

Is there any evidence to suggest that President Bush, had he been reelected, would have been fighting for a jobs program? No evidence to suggest that.

Certainly no evidence to suggest there would have been a change in trade policy. His trade policy was to change free trade while ignoring the unfair trade that we confront around the world, as our producers try to move into foreign markets.

There is one indisputable fact when you look at the first 100 days of the Clinton administration. It is change, fundamental change in economic policy. And there are some people in this Chamber who choke on it. They just cannot handle this kind of fundamental change. They have sort of enjoyed the

last 12 years, rested comfortably in the disconnection between their view of the world and reality.

But this President, understanding the issue is not popularity, but rather leadership, has proposed fundamental economic change.

I come from a town of 350 people. And we have folks back there that play pinocle every morning and sort of second-guess everything in the world. They would wring their hands—there are just a few of them—wring their hands and say, "It can't be done; it won't be done." They would gnash their teeth and fret and sweat. You know the type.

All the while they were doing that, there were other folks out there building, fixing the streets, building for the future.

This issue is between builders and wreckers. This President is a builder. He is proposing to change things in this country, to begin building again.

It takes a whole lot more skill to be a builder. It requires you to accept more risk. And in the process, the builders confront these folks with the wrecking balls, who just keep swinging back and forth.

It takes no skill to swing a wrecking ball. It does not take any skill at all—not in the construction business and certainly not in politics.

A couple of weeks ago, I was at a Head Start Center in my State with Health and Human Services Secretary Shalala. A little boy named Jarvis was there crying, big, big tears in his eyes. I took him aside—this was on an Indian reservation—and I began to visit with him, calming him down a little bit. I asked him what his name was, as these big tears were dropping down his cheeks.

He said, "Jarvis."

I said, "Jarvis what?"

"Jarvis Cookie Monster," he said.

I said, "No, it can't be that. What is your last name?"

"Jarvis Cookie Monster," he said, but he stopped crying.

I asked his teacher and she said his last name is Cooker. He thinks it is Cookie Monster because he always sees that character on television.

What about Jarvis' future? One of the changes I have not mentioned is that we finally have a President who understands that this country's future is its children. His proposals to invest in the children in this country—in Head Start, in WIC, in education, and more—is an acknowledgment of where the future of this country is.

Jarvis is going to have opportunity. Jarvis' friends will have opportunity because of this President.

Someone once said that 100 years from now it will not matter very much how big a house you lived in, and it will not matter very much what your income was. But the world might be a different place because you were im-

portant in the life of a child. This President is going to be important in the lives of this country's children and that is going to make a difference in our future.

I yield the floor.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MOYNIHAN is recognized under the order for not to exceed 10 minutes.

Mr. MOYNIHAN. Mr. President, I would like first to congratulate my friend from North Dakota for a wonderfully lively, concise statement of the problem. And just interspersed with that lovely detail of the Cookie Monster. The question, of course, is whether that particular deficit monster is going to eat all of us up as well.

Mr. President, I have been asked, along with other colleagues, to speak briefly to the subject of the first 100 days of President Clinton. And with the distinguished President pro tempore in the chair, I will be so bold as to try to set some of this matter in a historical perspective.

In 1974, Nelson Rockefeller, the distinguished Governor of New York State, left that post after 15 years to establish a body called the Commission on Critical Choices for Americans, having in mind the bicentenary was upon us and it was time to take a look at our Nation's affairs.

I was asked to be a member of that Commission and wrote a paper for it. It was called "The Third Generation and the Third Century"—the "third century" referring to the upcoming third century of the American Republic—choices concerning the quality of American life.

In the outset, as an abstract, I said, "There are two critical choices affecting the quality of American life. The first is how much growth we want; the second is how much government we want." And I said, it had become a pattern for us to say we wanted more growth and less Government, but to act in a way that gave us less growth and more Government.

It occurred to me—this was only a fancy—that this was foreseen by John Adams in a letter to his wife, Abigail, in 1780. Mr. President, he was writing from France, where he represented the incipient Nation under the Articles of the Confederation.

He had this wonderful subject. He wrote of his duty to study "the science of government more than all other sciences."

That was the term the Founders used, "the science of government." They thought they had learned something of the subject, in his view and for his time. And here is this passage. He said:

The arts of legislation & administration & negotiation ought to take the place of, indeed to exclude, in a manner, all other arts. I must study politics and war, that my sons may have liberty to study mathematics and

philosophy. My sons ought to study mathematics & philosophy, geography, natural history & naval architecture, navigation, commerce & agriculture, in order to give their children the right to study painting, poetry, music, architecture, statuary, tapestry & porcelain.

I found the last reference particularly poignant, because he was writing from a France of the old regime, in which the great porcelain manufactory at Sevres was a state-owned enterprise. There you have in one combination the growth of government and the decline, as it were, the slacking off of the growth of the economy. Any such pattern would lead to large and continuous deficits in public expenditure. Yet it was not until the following decade of the eighties that this became an insistent and almost incessant problem.

I would say to you, sir, again this is an area for analysis that we ignore at a cost. The deficits we were dealing with came about with a sudden onset that was the result not of long forces of history but of political choice. At the end of the administration of President Carter, the national debt stood at \$840 billion, more or less. It has since gone up by \$1 trillion in each 4-year Presidency and is scheduled to go up by another trillion in this one.

It began as a policy, the policy of the Reagan administration, to create a fiscal crisis that they thought would bring about a great reduction in the domestic activities of the Federal Government. The term was "starve the beast." The miscalculation was that there really was a desire for less government, not just rhetoric about that desire. The most carefully annotated documented account of this period was written by the distinguished author, Haynes Johnson, in his book, "Sleepwalking Through History": America in the Reagan years.

In it he writes, and I will simply quote him, that the Senator from New York:

\*\*\* was the first to charge that the Reagan administration "consciously and deliberately brought about" higher deficits to force congressional cuts. Moynihan was denounced and then proven correct—except that cuts to achieve balanced budgets were never made, and deficits ballooned ever higher.

Sir, I recall those days on this floor saying, can we not see that a deliberate policy is in place to create a crisis? And I found it difficult to reach my colleagues with the idea that anyone would deliberately create a crisis.

Later, when Mr. Stockman at great length in his own memoir described it, generally speaking, little attention was paid to that fact. This was the triggering event of the present acute crisis of a long-term deficit. Our friends on the other side of the aisle surely ought to wish to understand the degree to which their deliberate policy, mistaken policy but deliberate, brought this about.

It is there on record, and the crisis is with us. Will we be able to do anything about it? I do not know. Yesterday in the press, Mr. Panetta, our very able and learned Director of the Office of Management and Budget, said he did not think so. This morning, the able Republican leader said we will turn now to the Finance Committee where the margin of votes is 11 to 9, such that one defection brings the President's programs down. The Washington Post speaks of that prospect in its lead editorial this morning.

As chairman of that committee, I agree that it is a very close-run thing. A very close matter. I also agree, having in mind the wonderfully learned ranking member of the Committee on Appropriations, the senior Senator from Oregon, who is such a historian of President Hoover, one of the great documents of American Government in the 20th century, a report in 1932 of the committee on recent social trends, which President Hoover commissioned. It was the best piece of analysis of this kind ever done in our Government, before or since, and setting forth the large movement of institutions and events; the rise of the economy and of Government; the decline of family, religion, things of that kind.

It said that the committee did "not wish to exaggerate the role of intelligence in social direction," nor ought we. Neither should we dismiss it. It is possible that we can trace back the events that have led us to the present crisis, see which are secular and powerful, and which are incidental to momentary coalitions and the overweening ambitions that are associated with new administrations and perhaps young people in new administrations.

In closing, Mr. President, we are in a crisis. If this President wishes to address the deficit and is not allowed to do so by a minority which presided over its creation, then you have the formula, Mr. President, for a crisis of the state. Do not suppose because we are in our third century that we are incapable of such a danger.

I thank the Chair for his courteous attention.

Mr. REID addressed the Chair.

The PRESIDENT pro tempore. Under the order, the Senator from Nevada [Mr. REID] is recognized for up to 10 minutes.

#### CRITICISM—PARTED WITH REALITY

Mr. REID. Mr. President, it was Winston Churchill who said he did not resent criticism even when it parted with reality. In this Chamber in recent weeks, we have had a clear case of criticism, and it has parted with reality. The critics of the new Clinton administration could not wait 100 days to give this new President a chance. This is rare in the history of this Republic.

Mr. President, I went to law school in the Nation's Capital, and during the

time that I went to law school, I worked as a Capitol policeman. I can remember walking these Halls, and one time in particular I remember right out there before the Ohio clock, I think it is called, Everett Dirksen was meeting with the press. It is not done anymore, but he did it that day. And he was talking about a nuclear explosion that had taken place in the Soviet Union.

As a young police officer, a law student, I was impressed with this man with the white hair and his wonderful voice. Well, I should have been impressed with this man because, as I look back at how he treated President Kennedy during his first 100 days, it is an absolute diversion from how President Clinton is being treated by the minority today.

There is a book, Mr. President, which recently I had a chance to look through, "John F. Kennedy: Person, Policy and Presidency." In this book it talks about the "Ev and Charlie Show," Charles Halleck, the minority leader in the House; Everett Dirksen, the minority leader in the Senate. They had a program they put on, and it came to the point where it was referred to as the "Ev and Charlie Show." They wanted to be a voice for the minority, and they were. These two men were long-time politicians and they represented their States, their parties, and their country as well.

Let me read just a little bit from this book. Talking about the "Ev and Charlie Show":

Topics selected for the prepared statement were subjected to the scrutiny and agreement of the entire leadership group—

#### Republican leadership group—

before public presentation. Before most press conferences, Dirksen and Halleck mingled informally with reporters. When the reporters and cameramen appeared ready, congressional leaders read their prepared statements, and following, reporters questioned them until satisfied.

#### Transcripts revealed—

that approximately 100 domestic and foreign issues were discussed during the 64 conferences held between March 2, 1961, and November 21, 1963. Participants at times discussed as many as 20 issues during a single session, and on three occasions devoted the entire conference to only one topic.

\*\*\* during the first few months of the Kennedy administration, Dirksen and Halleck tempered their criticism, seeking instead a spirit of conciliation.

That, Mr. President, is how it should be done.

Everett Dirksen said, and I quote from another book, this one written about him by Neil MacNeil, Dirksen: "Portrait of a Public Man." In this book, Dirksen is quoted as saying:

The Senate's primary function is to serve the whole country. For that reason it is the duty on the part of the Senate leaders never to forget the national interest. \*\*\*

We have manifested over and over again that the opposition party must not follow an



obstructionist or hostile tone. Our business is to think in terms of the well-being of the country.

Now, does that not, Mr. President, say it all? We have a situation where, for the first time that I am aware of in the history of this Republic, people are trying to destroy the President's program and not even give it a chance. I served in the other body during the early years of Ronald Reagan. And I with numerous other Democrats gave his programs a chance. They have proven to be a failure, but no one knew at the time they would be a failure. We thought that President Reagan had some new ideas. Let us give him a chance.

Mr. President, none of these critics have allowed President Clinton any chance. They forget that the record that brought President Clinton to office was one that they created. The reality is Americans wanted change. They still want change. They do not want the failed policies of the past. They are tired of the \$4 trillion debt; no health care; no education program for the youth and the children, other than we need discipline in the schools; environment, remember some of the environmental policies of the past, where, with the problem with the ozone layer, they said, "Wear sunscreen and a hat." Do you remember that, Mr. President? Or the killer trees?

Americans want a President who will deal with the budget deficit, and we, in a budget that we adopted in this Chamber and the other body, have a program for success in the future: \$500 billion deficit reduction over a 5-year period of time. This program has been endorsed by businesses across the country. The Chamber of Commerce has been favorably inclined, much to the dismay of the minority. They have even gone so far as to try to get people fired who worked for the chamber of commerce because they have not been negative to the Clinton program.

Americans wanted and still want an administration that will create jobs, and we just had a jobs program that was torpedoed. It would not have solved all the problems of this country, but it would have given troubled youth a chance to work. I think, frankly, Mr. President, some of them are talking about now coming back with a summer jobs program. I, frankly, think it is almost too late. Kids are already getting out of school. These kids need work, not make-shift work, but we had a program that would have taught children how to work. That is what we need.

Because of the savings and loan fiasco created by the prior 12 years of Republican administrations, we have a banking crisis in this country. Small businesses cannot borrow money. The stimulus package had \$350 million that would have given the Small Business Administration the ability to loan over \$6 billion.

Our economy is fueled by small business. Probably 70 percent of all the jobs in the country are created by small business. The Small Business Administration, Mr. President, is out of money, out of money, as we speak. The stimulus package would have created jobs in this section. It would have also allowed the infrastructure development to continue. West Virginia, Nevada, New York, Pennsylvania, every State in this Union needs highways—\$3 billion to create good jobs.

Well, the stimulus package was thwarted.

Mr. President, the President of the United States for the first time in this country got together business leaders, dozens and dozens of them. But he did not get them together and get a report from his staff. He sat through hours and hours of meetings and listened to their goals and views, and as a result of that came up with the stimulus package because it is something that they, among others, wanted in this country.

He has announced a \$20 billion program to reinvest in workers and communities harmed by cuts in the military spending. But remember, that says a lot there because we are having significant cuts in the military, something the people have wanted.

Americans wanted a President who would cut back the size of Government. The critics would have us believe this President is for big Government. He, Mr. President, is putting actions in place of words.

In his first 100 days, he announced that he had cut the White House staff by 25 percent, administration in the executive branch of Government by 14 percent. It set such a good example that the leadership of the Congress followed suit and said they would do the same thing. He is also going to eliminate 100,000 positions in the executive branch of Government through attrition.

He has assigned Vice President GORE, who has become a partner in this administration, to do something about streamlining Government. And those of us who know AL GORE know we will prepare for us a blueprint for success.

Among other things, he is looking at legislation, for example, that I have sponsored which would require reauthorization of programs at least every 10 years or they would fail. The reason for that, of course, is we have programs which have been in existence since the Civil War that have not been reviewed.

We are going to cut Government. That is what the people want. These reductions are real, not just talk. They amount to the most significant effort to reduce Government in recent memory.

The President has accomplished all this.

Mr. President, I ask unanimous consent for an additional 5 minutes.

The PRESIDENT pro tempore. Is there objection? Hearing no objection,

the Senator from Nevada is recognized for an additional 5 minutes.

Mr. REID. The President has dealt with this while dealing with the challenge to democracy in Russia, civil war in the former Yugoslavia, peace negotiations in the Middle East, war in Armenia.

Nor have we mentioned other substantial initiatives: The family medical and leave bill; campaign reform—we are going to have campaign reform in this country, something I have craved since I first ran for Federal office—children's immunization; his forest conference in the Northwest.

He went out with his Cabinet and met with these parties who are divergent, the environmentalists, the loggers, the two so-called extremes in some people's minds, and he is going to come up with a compromise there.

But there are other goals that this President has for the future of this country. He is talking about the United States not tomorrow but in the next century.

For the first time in a decade this Government is committed to competing with Japan and with Germany—not begging for help, competing. This administration will promote exciting new technologies such as clean cars, communications through an information highway. Computers are the name of the game, and we are going to be on the leading edge of that. These new technologies will make our country a leader in productive enterprises, not building things that explode, not weapons only.

This President will promote new environmental cleanup technology that will be a standard for the world. Our children and our children's children deserve clean air, clean water, and clean land.

We will move ahead with true public-private partnerships through cooperative research and development agreements. For a view of things to come, look at the efforts with this administration and the big three automakers to create clean cars. We will, through this President, achieve a balance between protecting the environment and eliminating unnecessary regulations. His environmental protection commission under the new EPA will create that balance.

This President will reinvigorate the country's infrastructure, creating jobs and stimulating economic activity.

Americans want a President who has the courage to face health care. We need to face this problem. It has been ignored for 12 years. He is going to do that. He has already started that. He has undertaken the most comprehensive review of the health care system in the history of this country.

Americans wanted a President who had the courage to do this. In short, this President has been courageous. He will tackle the tough problems and,

like Winston Churchill, he has been gracious under criticism.

Mr. President, one of the strengths of this man, this President of the United States, is how he has stood up under the criticism which has come during the first 100 days of his administration. He has shown he has backbone. Sadly, the attacks from his critics, as Winston Churchill said, have departed from reality.

I would close, Mr. President, by again quoting words from a Republican leader of national scope, Everett Dirksen, when he said, "We have manifested over and over again that the opposition party must not follow an obstructionist or hostile line. Our business is to think in terms of the well-being of the country."

I suggest that the minority follow the words of one of their great leaders, Everett Dirksen.

The PRESIDENT pro tempore. The Senator from Washington [Mr. GORTON], under the previous order, is recognized for up to 10 minutes.

#### REPUBLICAN OPPOSITION TO PRESIDENT CLINTON'S ECO- NOMIC INITIATIVES

Mr. GORTON. Mr. President, I speak today about President Clinton's economic initiatives and Republican opposition to those proposals. Given the fact that this President has been in office for about 100 days, it is now appropriate to review how he is doing as well as how we Republicans have reacted. Contrary to the media's portrayal of politics as usual, the Republican opposition to President Clinton's economic initiatives is grounded in a fundamental disagreement over the direction that this President proposes to take this country.

All of the Republicans in the Senate, along with a couple of Democrats, voted against the President's budget and economic stimulus package because we believe that his proposals take the American economy in the wrong direction. Recently, our opinions have been validated by top investment advisers from Wall Street. These analysts make several points which validate and confirm our opposition to the President's economic initiatives.

First, they confirmed the concerns of several Senators on the other side of the aisle. These analysts agree that the recovery from this recession is notable for a lack of job creation and undistinguished GDP growth. Normally, job creation and gross domestic product growth at this point in a recovery, almost 2 years after the official end of the recession, are significantly greater than is currently the case. They have noted that job creation in the last several months has picked up significantly. These analysts argue, however, that the Clinton administration plan is counterproductive in

achieving its stated aim, higher employment growth.

Wall Street analysts have confirmed what Republican Senators said all during the debate about the stimulus package. Adding \$19 billion of deficit spending to a \$300 billion deficit will not significantly impact economic growth or job creation.

As this Senator noted during that debate, this pork-barrel spending was the equivalent of increasing a child's \$25 a month allowance by 5 cents.

The stimulus package aside, these analysts' research confirm why Republicans are so dead set against the President's proposals. First, we all believe, and their analysis confirms, that left to its own devices the economy is poised to post strong growth. No Republican Senator is pleased by the corporate downsizing that is wrenching our larger companies these days. We all need to realize, however, that it is precisely this downsizing and the accompanying productivity growth that has led this country out of the 1990 Budget Act-induced recession.

Consumer and corporate debt is on the road to its pre-1980 level. In addition, the banking system is well on the way to healing itself and ameliorating the credit crunch. Republicans—and those who advise American investors—believe that these positive trends will lead to economic growth if not inhibited by Government policies like that proposed by President Clinton.

Wall Street's analysis reinforces Republican belief that the Clinton economic plan will not lead us down the road to prosperity. In no way will the Clinton plan help job-producing American businesses into a renewed period of growth and new job creation. Just look at the list of Clinton proposals that will inhibit corporations' ability to expand and hire new employees: First, higher corporate tax rates; second, higher minimum wages; third, more mandated benefits; fourth, greater limitation deductions; fifth, a Btu tax; and sixth, possibly a VAT tax.

I said during the budget debate that I did not understand how imposing a new tax on Boeing's airline customers at a rate greater than the entire airline industry ever made in profits would help Boeing employees. Let me repeat, the airline industry has never in any year made net profits equal to the new Btu taxes proposed by the Clinton administration. Obviously, this will not put people back to work in Boeing's Renton or Everett plants—or in those airlines.

Setting corporate America to one side, we Republicans do not believe that Mr. Clinton's economic initiatives in any way assist the job-creating engine of the 1980's, small businesses. Businesses with fewer than 500 employees have generated, on average, 60 percent of the new jobs created during the 1980's. In fact, between 1988 and 1990

small businesses created 120 percent of the jobs created in this country, because corporate America reduced its employment. These small companies are even more sensitive to the marketplace than are large corporations. New taxes and mandated benefits will not help small businesses create jobs, get costs under control, or invest retained earnings in their businesses any more than these proposals will help corporate America.

Small saw mills in Washington are being destroyed by the lack of timber because of the spotted owl problem. How will these new taxes, mandates, and increased regulatory costs assist mills in Forks and Darrington? They will not. That is why Republicans voted against the President.

At the present time, I am working with some local investors who are trying to reopen a pulp plant that was recently closed in Hoquiam, WA. The combined effect of the Clinton administration proposals may kill this plant even if we do get it going again. This course of action will not help pay a mortgage or put food on the table of a millworker. I will work hard to defeat these proposals because Republicans do not believe that higher taxes and more unfunded Federal mandates can possibly lead to economic growth; these proposals kill economic growth and job creation.

In summary, Wall Street analysts are advising their clients that the Clinton economic plan will significantly depress real disposable personal income, will reduce American business profits, will cut the growth in our gross domestic product, and will marginally increase inflation.

This is not rhetoric from the White House or from Members of either party in this body. This is what careful students of the American economy have concluded, and it reflects their advice to their clients.

Perhaps even more significantly, this is what an increasing majority of the American people believe. They know that prosperity comes not from higher taxes and more spending but from their own genius and hard work. They know that last week's bill would have destroyed more jobs than it would have created.

The next step in the Clinton economic program, of course, will be his huge tax bill. As the Presiding Officer knows, that bill cannot be defeated by a Republican minority, but only by a lack of faith on the part of Democrats. That lack of faith infected many Democrats during the debate over the stimulus package, but affected the votes of only a few. This Senator believes that more will abandon a prescription for higher taxes and fewer jobs.

If that happens, because of Democratic opposition, perhaps the President will return to the prescription of



less spending and lower taxes on the middle class that won him the Presidency. When he does so, he will find strong support from Republicans as well as Democrats.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. The majority leader is recognized.

#### PRESIDENT CLINTON'S 100 DAYS

Mr. MITCHELL. Mr. President, last year, American voters went to the polls and said "no" to business as usual. They voted for change. They said they had had enough of stalling and delay in Government. They said they were sick of gridlock and buck-passing. They said they wanted action on the issues that affect their lives.

President Clinton heard that demand and he asked the Congress to respond to it. With one exception, we have.

This Senate has acted faster on more issues than any Senate in recent memory. We have tackled the unfinished business of the past and made a quick start on the agenda for the future.

We know Americans are tired of excuses, tired of bickering, tired of business as usual. Unfortunately, as we have just heard, they are still getting plenty of that.

Our Nation has the greatest capacity for change and growth in the whole world. The American people know it is not a lack of resources that keeps us from making this a better country for them to bring up their children. They are concerned that it is a lack of will.

Americans want action and they want it now. And the Senate majority has responded.

The budget resolution has been approved earlier than ever before. Since the Budget Act was passed in 1974, almost 20 years ago, no Congress had ever approved a budget resolution by the second day of April. The 103d Congress did.

The budget we approved will cut nearly \$500 billion from the Federal deficit over the next 5 years. In 1997, the deficit would be 2.5 percent of the Nation's economic output instead of the 5 percent of output that President Clinton inherited from his predecessor. It will raise revenues by asking the wealthiest Americans to pay slightly more in taxes. It will hold down spending that would otherwise have gone forward. It contains the investments we need to help our economy grow. It is a budget for future prosperity and economic growth.

The Senate also acted promptly on unfinished business.

Two weeks after he was sworn in, we sent the President the Family and Medical Leave Act for his signature. President Clinton signed it. Now working families have peace of mind: They know that if a serious illness strikes a child or a parent, they do not have to

choose between their job and their family.

A month later, Congress approved an extension of unemployment insurance for those who still cannot find work in this economy.

The Senate passed the much-needed bill to authorize the National Institutes of Health. Last year I said I would make this our No. 1 bill, and I did, and it passed overwhelmingly.

The Senate has passed the motor-voter bill, legislation to simplify voter registration.

Voting is the fundamental civic privilege. Registering to vote ought to be as simple as registering your car. That is exactly how simple this bill makes it.

The campaign finance reform legislation will soon be ready for action. Americans demand reform as well as a change in their Government. The campaign finance reform bill will reform the current discredited system in which elections last too long, cost too much, and involve the voters too little.

In less than 100 days, President Clinton has done what neither his predecessor nor any of his critics have done: He has completely changed the political debate in this country.

We are focused on how best to invest for the technologies of the future, technologies that will strengthen our economy.

Instead of exchanging slogans, we are moving on health care reform, expanding health care availability and dealing seriously with the costs of health care.

Instead of worn-out debates between supply side economics and trickle down economics, we are finally talking about American economics: Family income, the fact that it takes two paychecks today to buy family security that a single paycheck used to buy, and the jobs of the future that are going to bring back broad-based prosperity for the majority of Americans.

A health care program is now being developed. We are finally on the way to reaching the consensus we need on health care. The health care cost crisis has been studied long enough. We know what is wrong. Now it is time to work on the solutions.

We will have the President's program soon. Then we can go to work to put it in place.

The reconciliation bill that puts together the spending cuts and revenue increases to reduce the deficit will be taken up as quickly as possible.

The first 3 months of this Presidency have not answered all our questions and solved all our problems. No President's first 3 months have ever done so. But the debate has changed; the agenda is different. The goal at which we are now aiming is a strong, growing economy that creates new jobs, an economy that increases personal income.

We want an economy that is growing faster and one that is also growing

smarter. Increased productivity means higher income for working families. The more a worker produces, the more that worker earns.

The key to rising incomes is to raise the output of every working person. So we are going to invest in the new technologies that help people work smarter. We are going to invest in the education and training that give people the specialized skill demanded by our modern economy. We are going to make our workers and businesses competitive in world markets by helping to make their products the best in the world.

The American people have challenged Congress to meet their demands for a more responsive and a more representative Government. It is a challenge that the Senate majority is determined to meet. What we have already done in the first 3 months of this session shows that we intend to act and act promptly.

I yield the floor.

Several Senators address the Chair.

The PRESIDENT pro tempore. The Senator from Washington is recognized.

#### TAKE OUR DAUGHTERS TO WORK DAY

Mrs. MURRAY. Mr. President, I rise today to encourage young girls and women throughout the Nation to aspire and work hard to make their dreams a reality. In honor of today, National Take Our Daughters to Work Day, I have with me today my daughter Sara.

When I was young, many women did not work outside the home. The women I knew who did work were teachers, nurses, and waitresses. Life has changed dramatically since then. Young women today have more options and greater opportunities than ever before. Not only can they be homemakers, teachers, nurses, and waitresses, they can be astronauts, surgeons, and architects, and they can even be Members of the U.S. Senate.

I am encouraged by the fact that my daughter has numerous visions of who she will be tomorrow. Some days she wants to be a reporter; some days she wants to be an attorney; some days she wants to be an author. I am excited that Sara knows that she can have whichever career she would like. It is her choice.

Although it is encouraging to reflect on the gains that have been made by women since my childhood, I believe that the job choices available to young women today are not merely a matter of luxury. The reality is that many of our young women ultimately will be responsible for the financial well-being of their families.

Women's employment is often critical to keeping the family income above the poverty line. Children whose moth-

ers work are less likely to be poor, whether they live with one parent or two. Currently, 66 percent of mothers with school-aged children are in the paid labor force, and 51 percent of mothers with infants work outside the home.

Mr. President, I feel it is very important for me as a woman, as a mother, and as a Member of the United States Congress, to encourage girls and young women throughout this Nation to realize their potential.

I never dreamed that I would become an elected official, much less a U.S. Senator. Today, I have the opportunity to be a role model for my daughter, Sara, and for all of the other young women across the country. I hope to show them that not only their professional dreams can come true, but they can be good parents as well.

I work diligently as a congressional representative for the citizens of the State of Washington, and I also dedicate a lot of energy, caring, and love as a parent to my son and my daughter.

Young women need to understand that they do not have to give up one part of their life for another. That is why I work hard on national issues, like family and medical leave, health care, and child care. Women should not have to choose between their careers and their families. And neither the community, generally, nor employers in particular, should ever send them that message.

As a nation, we must acknowledge the importance of allowing men and women to care for their families and to work at the same time. Passing the Family and Medical Leave Act was a good step for this Senate. We must enact other policies that facilitate caretaking efforts by families. When we do so, we will be a much more healthy and vibrant nation.

Today is a historic day in America. Across this Nation, women like myself are taking their daughters and other young women they know to work. They are helping to broaden young women's horizons, to show them the vast range of options available to them in the future.

I hope this day is a day when young women everywhere recognize that if they work hard and believe in themselves, they can be whoever they want to be.

I encourage young women to consider as an option running for school boards, city councils, State legislatures, and even the U.S. Senate. I can personally assure them that it is a rewarding, exciting, and very doable career.

Thank you, Mr. President.

Mr. GRAMM. Mr. President, I ask unanimous consent that I may proceed under the special order that I have without reference to the fact that 10 o'clock we were supposed to end morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Texas [Mr. GRAMM] is recognized to speak for up to 10 minutes.

#### SENATOR MURRAY'S OUTSTANDING ADDRESS

Mr. GRAMM. Mr. President, I congratulate our colleague from Washington for her outstanding address this morning. We are all proud of the content of that speech, and we all rejoice in the fact that our Nation now, more than ever, is using the sum combination of the talents of all of its people, and we are all being enriched in the process.

#### THE PRESIDENT'S TAX BILL

Mr. GRAMM. Mr. President, I want to talk a little bit this morning about the next big issue that we face, which is the President's tax bill. I want to try to explain where I am coming from on that issue as we begin to define the issue and start to debate it.

I congratulate the President on his success in having his budget adopted within the first 100 days of his Presidency. But I also want to express a very real concern. The concern is that we are now down to the process of imposing massive taxes on the American people, and the question that every Member has to ask himself or herself and every person has to ask is: What are we getting for these tax increases?

This is where I have real pause and where I have real concerns. As we all recall, during the debate in the campaign, the President said that if he was elected, he intended to cut \$3 of spending for every dollar of new taxes, and those taxes would be imposed on rich people. And then when Congressman Panetta and Senator Bentsen were before the Senate for confirmation, they said that it was the intention of the administration to cut \$2 in spending for every dollar of taxes raised. And then in the State of the Union Address, the President said it would be \$1 of spending cuts for every dollar of taxes.

I have to say, Mr. President, that whenever I go home, or whenever I am passing through an airport anywhere in the country, it is a very common occurrence for people to come up to me and say: Are you cutting spending first?

Well, the cold reality that we face as we begin to debate this massive tax bill is that the answer is no, because despite all of the rhetoric about \$3 in spending cuts and \$2 in spending cuts and \$1 in spending cuts relative to what would have happened had there been no budget passed, we are going to raise taxes under the President's plan \$3.23 for every dollar of spending cuts; and 80 percent of those spending cuts do not occur in 1993, do not occur in 1994, do not occur in 1995, do not occur in 1996; not until 1997 and 1998 do we get

80 percent of the few spending reductions that are promised.

In other words, we are proposing to raise taxes retroactive to January 1 in return for a promise to cut spending 4 years from now.

Mr. President, I think people are very concerned that we will see happen what has happened historically; and that is, the spending cuts promised in the sweet by-and-by in return for tax increases now never, ever seem to occur. They were not produced in 1983, for Ronald Reagan. They were not produced in 1990, for George Bush.

I think people are very concerned that if we pass a massive tax increase, much of which is retroactive to January 1 of this year, in return for a promise to cut spending 4 years from now, that the spending cut may never be made and that these new taxes will, in fact, be spent.

I think this is an especially important concern, because the tax increases did not live up to the advertising. We all remember that in the campaign, only rich people were going to be taxed. Middle-class citizens were going to get a tax cut. Middle-income families were going to choose between lower rates and higher deductions.

Mr. President, as we know, within a week of the campaign, that promise was dropped. And now we look at next month voting on a tax bill that raises not just taxes on rich people, but taxes on everybody—taxing Social Security benefits of people who make over \$25,000 a year, taxing energy use in every American family. Most of the outside cost estimates of this energy tax suggest it is going to be as high as \$500 per family.

I come from a State where we use a lot of energy and produce a lot of energy, and we keep remarkable statistics. So we are able to determine Btu use by year. If this Btu tax had been in effect in Texas in 1990, the last year for which we have the data, it would have averaged \$732 per family of four in my State. That is a big tax increase.

Finally, this increase in income taxes, that we were all led to believe was going to be imposed on very rich people, now it turns out that as much as 70-plus percent of these taxes will be paid not by individuals but by sole proprietorships, partnerships, and small businesses filing as individuals under subchapter S of the IRS code. In other words, approximately 73 cents out of every dollar of new income taxes will come from small businesses and family farms.

So, Mr. President, I just want to put our Members on notice that when we vote on this tax bill, it will be my intention, in conjunction with some of my colleagues, to offer an amendment to try to guarantee what the vast majority of the American people want, and that is a guarantee that these tax increases do not go into effect until spending cuts are made.



It seems to me, when we were promised \$3 in spending cuts for every dollar of taxes, there should be a base of strong support in the Senate and the country to say that these massive taxes on Social Security recipients, on working families, on small businesses and family farms, not go into effect until at least corresponding cuts in spending occur.

Surely, we can enter into a contract with the American people to guarantee to them that until we have made cuts, we are not going to raise their taxes.

We have several Members of the Senate on my side of the aisle who are working on an amendment which will simply say that none of these taxes shall become effective until a threshold of spending reductions shall have been reached, thereby guaranteeing that we do not simply raise these taxes and spend the money and deceive the American people again.

I see our colleague from Delaware has come to the floor. Let me sum up, and then turn the floor over to him.

Mr. President, as people have started to look at the fine print of the budget, I think that they are realizing that what was sold to them as a Cadillac is turning out to be an Edsel, that this budget does not contain \$3 in cuts for every dollar in taxes, or \$2 in cuts or \$1 in cuts. It contains about 30 cents of spending cuts for every dollar of taxes. And the taxes are not on rich people, not on some faraway person we do not know, but the taxes are on everyone. The taxes are on the people who do the work, who pay the taxes, and who pull the wagon in this country. I think people are very concerned about it.

I believe when we vote on this tax bill and are shooting with real bullets, when we are not simply promising to do something but we are actually doing it, there are going to be strong concerns in the country. And, quite frankly, I think the President, short of some binding constraint to require that spending cuts be made, is going to have a very hard time getting these tax increases adopted.

I believe they will destroy jobs, they will hurt our country and, sadly, they will not reduce the deficit.

I yield the floor.

The PRESIDENT pro tempore. Under the order, the remaining time is under the control of the Senator from Delaware [Mr. ROTH] or his designee.

Mr. ROTH. Mr. President, there come in life few men like the man we honor today. Though he was a judge, a general and a statesman, of all the ranks, titles and honors held by James Caleb Boggs, none will be more fondly remembered than those of husband, father, and friend. When he died on March 26, all Delaware mourned the loss. And anyone, even remotely in touch with the character of our great, little State, understands why: the life he lived was a personification of Delaware.

From his elegant simplicity and concrete sense of values to his rich heritage and proven leadership, those characteristics that distinguished the life and legacy of Cale Boggs are each hallmarks of the State and people he served.

In my wonderful years of friendship with Cale and his younger brother, Calvin—who also recently passed away—I grew fond of the relationship they shared as a family, of the strong sense of identity they had with the State they loved. Of their unyielding sense of loyalty and service. These bedrock values—this sense of identity and belonging—give Cale a strong foundation upon which he built a distinguished life. In war he was a decorated hero; in peace he was dedicated to justice and the welfare of people both great and small.

As his son, Cale, Jr., wrote recently:

It did not matter to him if a person was rich or poor, he gave equal attention and effort. He achieved as much personal satisfaction from helping an elderly sick person receive proper care as he did from assisting a business leader complete a large transaction.

From the hours we spent together at his family farm Cheswold—as Cale would say, “Watching the corn grow”—to the work we did together on Capitol Hill, I witnessed, first hand, his remarkable ability to blend both the public and the private. Friendship, service, loyalty and genuine interest in the well-being of others never got lost in the pomp and ceremony of high public office. The big city never distorted his country wisdom; power and politics never got in the way of his integrity and honor.

He had a keen mind and an amazing memory. If he met you once, you were his friend. And Cale Boggs never forgot his friends, whether they had the opportunity—as I often did—to sit with him in a duck blind on an idyllic autumn day—or to bump into him on the streets of Wilmington, Dover, and Washington, or even to argue with him on the floor of the U.S. Senate.

His friendship and love transcended politics—as did his loyalty. I recall that the day it was known that Cale would not return to the U.S. Senate, another great Senator, the man whose name is memorialized by the building where many of us have our offices, paid Cale a visit. Though he was a leading Democrat—undoubtedly encouraged by the victory of JOSEPH BIDEN—this good Senator, finding that Cale was not in his office, wrote a two-line note. It read: “Sorry, sorry, sorry \* \* \* I love you, Phil Hart.” A fitting tribute, as were the words of Senator BIDEN himself, who recently said, “I long to end my public career with the reputation Cale Boggs had.”

These tributes—two of many—are testament to the fact that in all things, Cale Boggs put people above politics. As his son recalled,

He saw his job as a duty to serve the people. Although he had a large office, he never viewed it as his or as a place of personal power. Rather, it was his custom to say, “Come in. This office is your office.”

Stories are nearly legendary about how as Governor of Delaware, Cale—busily on his way to a meeting, a speech, or other official function—would stop his car to give a lift to someone walking in the rain.

Likewise, he was known to go out of his way just to say hello. Perhaps this is why, in one capacity or another, Cale held office from 1947 to 1972, serving first as Congressman, then as Governor, and finally as Senator. Always genuine; always there. Many came to call him “Mr. Delaware.”

And no fitting tribute to that mister would be complete without honoring the wonderful woman who was his wife. Bess was his high school sweetheart—literally the love of his life. They were young when they married, only a couple years beyond 20. Together they tackled an early career, law school, his active duty in World War II, and the demands of public life. When he was elected Governor there was no mansion in Delaware. Bess turned a temporary apartment into a home and raised a handsome family. Those who knew and loved Cale, knew and loved Bess—an inseparable couple—and found meaning in the fact that Cale’s passing came almost 1 year to the day after the death of Bess.

Mr. President, I know there are others who will want to speak about this remarkable man, but first I ask unanimous consent that several articles about the life and successes of James Caleb Boggs recently appearing in newspapers be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BOGGS WAS A FRIEND TO EVERYONE; DELAWARE BIDS FAREWELL TO BELOVED STATESMAN

(By Eric Ruth)

Audrey Piper was walking in Wilmington one winter night in the 1950s, struggling to step through knee-high snow, when a car pulled alongside and a man leaned out.

“Come on, Audrey,” said the governor of Delaware, opening the door of his chauffeured limousine. “We’ll give you a ride.”

Always ready with a smile and rarely at a loss for a name or a pleasant word, J. Caleb Boggs never let the trappings of his office divide him from the people he served for so long, said those who knew him.

Today, they will bid farewell to the one-time U.S. representative, governor, senator and judge, who died a week ago at age 83 after a long bout with cancer, diabetes and other ailments. Services will be at 2 p.m. in Cheswold Methodist Church, where friends may call one hour earlier. He will be buried beside his wife, Bess, in Old Presbyterian Church Cemetery, Dover.

Boggs leaves memories of an unswerving respect for all people and an unrelenting drive to do what was best.

“No matter where he saw you, it was as if he had always known you,” said Audrey

Delker (formerly Piper), who had worked with Boggs during his time as governor.

"Cale was a great Delawarean, a great American and a friend of everybody," said former Delaware Gov. Russell W. Peterson, who worked with Boggs.

Richard A. Struck met Boggs as a Young Republican. Their first conversation was brief. But five years later, at a Kiwanis luncheon, Boggs immediately remembered him. He even took his coat and pulled his seat out for him.

He held little animosity toward his foes, and even Democrats found nothing bad to say about the Republican patriarch. When Struck hears today's deep-seated distrust of politicians, he wants to tell them there was at least one fine example of that breed.

"He brought a decency to government," Peterson said. "In all of his years of involvement never was there even a hint of anything improper in his behavior. Obviously that sets an example that we all can be proud of."

He was generous with his time and advice when Sen. William V. Roth, Jr., R-Del., first arrived in Washington as a representative in the 60's. "He was there to answer my questions, to listen and to lend a helping hand to the 'new kid on the block,'" Roth said in a tribute introduced into the Congressional Record on Monday.

"He was a person who exemplified what a lot of us would like to be," Sen. Thurman Adams, Jr., D-Bridgeville, said Thursday as the Delaware Senate eulogized Boggs in a resolution.

Struck believes Boggs would have become the first vice president from Delaware had he not lost his last Senate race to Joseph R. Biden, Jr. He has heard that Boggs, because of his clean reputation, was to be picked as Richard M. Nixon's vice president but lost out to Spiro T. Agnew after being beaten by Democrat Biden.

"He has the courage to stand up for the things he believed in," Peterson said, remembering the resistance to desegregating Delaware's schools, and Boggs' efforts to address environmental issues long before they were politically fashionable.

Sunday night, Struck looked at an Easter card he had bought for his old friend, one he won't get to deliver. He remembered sitting with Boggs at a function a few years ago when the aging but spirited civil servant looked around the room and spoke.

"I must be getting old," Boggs said, "I can't remember everyone's name anymore."

Boggs, James Caleb, a Representative and a Senator from Delaware; born in Cheswold, Kent County, Del., May 15, 1909; attended the rural schools; was graduated from the University of Delaware at Newark in 1931 and from Georgetown University Law School, Washington, D.C., in 1937; was admitted to the bar in 1938 and commenced practice in Dover, Del.; served during the Second World War in the United States Army 1941-1946; deputy judge of the family court of New Castle County, Del., 1946; elected as a Republican to the Eightieth, Eighty-first, and Eighty-second Congresses (January 3, 1947-January 3, 1953); was not a candidate for re-nomination in 1952 to the Eighty-third Congress; Governor of Delaware from January 1953, until his resignation December 30, 1960; elected as a Republican to the United States Senate in 1960; reelected in 1966 and served from January 3, 1961, to January 3, 1973; unsuccessful candidate for reelection in 1972; practiced law in Wilmington, Del.; is a resident of Wilmington, Del.

[From the Sunday News Journal, Mar. 28, 1993]

#### J. CALEB BOGGS: 1909-1993

J. Caleb Boggs, who returned all the love Delawareans gave him, died Friday night in Christiana Hospital, almost a year to the day after the April 1 death of his beloved wife, Bess.

The former governor and U.S. Senator, who had suffered from cancer, diabetes and other serious ailments for several years, was 83.

The Cheswold-born Republican, whose family's Delaware roots pre-dated the Civil War, was one of the First State's biggest boosters.

"I think it's a great little state . . . [with] high-class, first-class people," he said in a 1991 interview.

He was qualified to make the judgment—he probably knew more Delawareans than anyone in the state's history. Because he knew so many, his governorship and his political campaigns were intensely personal.

"He went to every event regular people cared about," said U.S. Senator Joseph R. Biden, Jr., D-Del. "And he still went to those events after his political career ended, until his health got too bad. Biden hoped that he would end his public career with the reputation Cale Boggs had. 'No one ever questioned Cale Boggs' integrity, honesty and decency.'"

Fellow politicians spoke of his remarkable memory, which served him well to the end.

"He seemed to know everyone," said U.S. Rep. Michael N. Castle, R-Del. "It might take him a minute or two to place you, but once he did, you were locked into place." According to Castle, "Cale was the greatest patriarch the Delaware Republican Party has ever had. I admired his feel for people. . . . He was an incredible human being in relating to others."

Mr. Boggs thought nothing of marching across the street, stopping traffic if necessary, to greet a friend—and he considered everyone his friend. Virtually no one called him "Mr. Boggs"—the man with a bright twinkle in his eye was "Cale" or "Governor" or "Senator."

He and his chauffeur, the late Walter Nedwick—who became a close hunting and fishing companion—logged more than 500,000 miles on Delaware roads while Mr. Boggs was governor.

His personal contacts stood him in good stead in 1954, during his first term as governor, when the U.S. Supreme Court, as part of the landmark *Brown vs. Board of Education* decision, ordered the desegregation of Delaware schools.

"I had to take a position on that . . . and I had to go up and down the state because I knew people felt differently than I did, and I wanted them to understand all the aspects [of integration] as I saw it," he said of his support of the decision. "I felt close to the people. I needed the benefit of their counsel and advice. . . ."

Fellow politicians thought he killed any chance of re-election, but he fooled the naysayers and won a second term. Then he moved on to the U.S. Senate.

Former Democrat Gov. Elbert N. Carvel, whose two terms bracketed Mr. Boggs' stint in the state's highest office, considered him something of a state treasure. "Caleb served Delaware on all levels," Carvel said two years ago. "Caleb is much beloved in Delaware, and he deserved every attention the state can give him."

His life began in Kent County on May 15, 1909. He was educated in public schools, then went to the University of Delaware. He grad-

uated in 1931, the same year he married his high school sweetheart, Elizabeth "Bess" Muir of Dover.

Then he went to Georgetown University, where he received his law degree in 1937.

Mr. Boggs joined the Delaware National Guard in 1926. During World War II, he served with the sixth Armored Division fighting in Normandy, the Rhineland, the Ardennes and central Europe. He earned five Campaign Stars, the Legion of Merit, the Croix de Guerre with palm and the Bronze Star with cluster.

After being deactivated as a colonel, he was appointed a brigadier general with the Delaware National Guard. He retired from military service in 1963.

After the war, Mr. Boggs intended returning to his law practice, but Delaware Republicans "came looking for someone to run for Congress" and launched his public service career.

Before that career ended, he had served eight years as governor, from 1953 to 1961, and represented Delaware in both the U.S. House of Representatives (1947-53) and Senate (1961-73).

Even in high office, Mr. Boggs never sent himself above others. Delaware then had no governor's mansion, and the Boggses lived in an apartment complex north of Wilmington. Later, when he was elected to the Senate, the family moved to the house they occupied for about thirty years, his last address, at 1203 Grinnell Road in Green Acres, a suburb of north Wilmington.

He retired from the Wilmington law firm of Bayard, Handelman & Murdoch about seven years ago.

He was a New Castle County Family Court judge in 1946 and chairman of the National Governor's Conference in 1959. Other official positions included an honorary membership in the Japanese Diet (1965); membership in the Joint Committee on Organization of the Congress (1965-66), the White House Conference on International Cooperation (1965) and the U.S. National Commission for UNESCO (1964-66).

He also served as Senate member of the National Commission on Fire Prevention and Control (1971-72) and was a member of the board of visitors for the U.S. Military Academy at West Point (1965), the U.S. Naval Academy at Annapolis (1966 and 1972) and the U.S. Air Force Academy at Colorado Springs (1970).

One of his primary interests was Kappa Alpha, the social fraternity he joined while a student at the University of Delaware. He held every national office in the fraternity, which honored him several years ago with a significant contribution in his name to the National Kappa Alpha Scholarship Fund.

Mr. Boggs was a trustee of Goldey-Beacon College for more than 25 years. The business school made him an honorary life trustee and awarded him an honorary doctorate from Delaware State College, Bethany (W. Va.) College and the University of Delaware.

His directorships included RLC Corp., Rollins Environmental Services Inc., Beneficial National Bank, Artisans Savings Bank, Delaware Safety Council, Blood Bank of Delaware, Greater Wilmington Development Council, Delaware Automobile Club, the Delaware Chapter of the Arthritis Foundation and the Salvation Army Regional Advisory Board.

Mr. Boggs was a member of the American and Delaware Bar Associations, the sons of the American Revolution, the American Legion, Veterans of Foreign Wars, Kiwanis Club, Ducks Unlimited, the Delaware



Grange, the National Lawyers Club of Washington, the Capitol Hill Club and Former Members of Congress.

Mr. Boggs is survived by his son, J. Caleb Boggs, Jr. of Wilmington; a daughter, Marilu Boggs of Green Acres; his brother, Calvin Boggs of Cheswold; a grandson, J. Caleb Boggs III of Washington, D.C.; and a granddaughter, Erin J. Boggs of Wilmington.

He will be buried beside his wife in Old Presbyterian Church Cemetery, Dover.

#### MR. DELAWARE: DIAMOND STATE'S GLOW IS DIMMER TODAY WITH CALE BOGGS' DEATH

J. Caleb Boggs, Mr. Delaware, died Friday night after a lengthy, often painful, illness. He was a man who loved his native state and its people. He was a generous man who gave constantly and expected nothing in return. He was an unassuming man who never seemed to allow high office to rob him of the ordinary pleasures of life.

Will Rogers used to say he "never met a man he didn't like." Well, we've never met a person who didn't like Cale Boggs. From the Green Acres suburb in north Wilmington where he lived to Selbyville on the Maryland border, everyone loved Cale. And why not? He never put on the airs of a big-time politician—though he was as big and important as they come. Whether as governor or just Cale Boggs, attorney, his hand was out in greeting accompanied by a warm "Hi, good to see you." It wasn't false. It was warm and true, like the man.

Over the years, Cale Boggs held just about every important office a person could hold in Delaware: governor, U.S. Senator, U.S. Representative, judge. He was a Republican through and through, but counted oh, so many Democrats, among his close friends.

J. Caleb Boggs was as comfortable and confident on a soybean field as he was in a law office conference room. He slowed his pace only recently when his body gave him no choice.

Cale Boggs was born in rural Cheswold in Kent County—the very heart of Delaware. In so many ways, Cale Boggs represented the heart of our state: strong, life-enriching.

#### "A CELEBRATION OF LIFE"

Isn't it strange that princes and kings  
And clowns that caper in sawdust rings  
And common folk like you and me  
Are builders of eternity?  
A shapeless mass and a book of rules  
And each must make, ere life has flown  
A stumbling block, or a stepping stone—  
Author unknown.

(By Cris Barrish)

CHESWOLD.—Beloved Delaware politician J. Caleb Boggs "made a lot of stepping stones," William Keene said Friday as he bid goodbye to his fraternity brother.

About 200 friends and relatives who gathered for Boggs' funeral nodded reverently. The gracious man's sincerity and humanity had touched them all.

After reading the poem, a credo for the Kappa Alpha fraternity Boggs belonged to for 64 years, Keene concluded: "Brother Boggs was a gentleman."

Boggs, a former Republican governor and U.S. senator and representative, died a week ago at age 83. He had suffered from cancer and other ailments for many years.

On Friday, nary a tear was shed during the hour long service at Cheswold Methodist Church.

Afterward, Pastor Kim Gilson said, "This was a celebration of life."

As pallbearers carried Boggs' flagdraped casket through a steady drizzle to a waiting

hearse, Esther Hynson and Leona Hazel talked about growing up in Cheswold with a special young man named Cale Boggs.

"He was a fine boy," Hynson said, adding that townspeople weren't surprised to see Boggs scale the heights of Delaware politics.

"He was very friendly and we used to go out to their farm and play," Hazel said.

Hazel said Boggs was a charmer.

"He got along just fine with the ladies," she said. "He was very nice and polite."

Political dignitaries, both Democrat and Republican, mingled with the common folk Friday. All spoke of Boggs' respect for people—regardless of economic standing, social class or race.

"This might sound strange coming from a Democrat, but he was my role model," Democratic Gov. Thomas R. Carper said.

"\* \* \* When I was a cub politician, people would jokingly say, 'What do you want to be when you grow up? And I would say, without hesitation, 'Caleb Boggs.'"

U.S. Sen. Joseph R. Biden Jr., D-Del., whose victory over Boggs in 1972 knocked him out of politics, was an ardent admirer.

"After the election was over, he supported me and was a friend of mine," Biden said. "Think about it. When was the last time there was a political campaign like the one Cale and I had, where there was not one negative word said about either person?"

"The best way for me to sum up Cale was that he didn't live a lie. Most politicians, after they leave public office, it's the last time you see them at a fund-raising dinner for the poor. Cale Boggs did everything that he did while a senator after he was a senator, until his health failed him."

The Rev. Gerald Foster, head of Wilmington's Sunday Breakfast Mission, gave the eulogy for Boggs, but said it was unnecessary. Boggs' life was eulogy, Foster said.

Foster told the story about an old man who was asked what death would be like. The man responded that he had traveled the world, using every vehicle from plane to train to ox-cart.

On the road, the man said, you change cars and keep moving to the next destination. Dying would likely be the same way.

"Caleb Boggs has changed cars," Foster said. "But he will go on."

[From the Journal of the Delaware State Bar Association]

#### IN MEMORIAM

It is with great sadness that the Bar Association notes the passing of former Delaware governor and U.S. Senator J. Caleb Boggs, 83, on March 26.

Senator Boggs, a member of the American and Delaware Bar Associations, retired nearly 10 years ago from the law firm of Bayard, Handelman & Murdoch, Wilmington.

Born in Cheswold, Delaware, Senator Boggs was a graduate of the University of Delaware and Georgetown University Law School. He served with distinction in World War II, receiving numerous military decorations before returning to Delaware and his law practice.

In 1946, he served as a New Castle County Family Court Judge.

Recruited shortly after the war by the Delaware Republican Party to run for Congress, Senator Boggs turned to a career in public service that spanned six years in the U.S. House of Representatives (1947-53), two terms as Delaware governor (1953-61) and 12 years in the U.S. Senate (1961-73).

He was honored in 1980 with the naming of the J. Caleb Boggs Federal Building in Wilmington.

Senator Boggs held honorary doctorates from Goldey-Beacom College, where he was also a long-time trustee, Delaware State College, Bethany College (W. Va.) and the University of Delaware.

He was a director of numerous area corporations and non-profit organizations including the Blood Bank of Delaware, the Delaware Chapter of the Arthritis Foundation, the Salvation Army Regional Advisory Board, RLC Corp., Beneficial National Bank and Arrisan's Savings Bank.

He is survived by his son J. Caleb Boggs, Jr. and daughter Marilu Boggs, both of Wilmington, a brother, Calvin Boggs of Cheswold and two grandchildren, Erin J. Boggs and J. Caleb Boggs, III, both members of the Delaware Bar. His wife, the former Elizabeth "Bess" Muir, died in 1992.

The family suggests donations to Cheswold Methodist Church, the Delaware Chapter of the Arthritis Foundation or the Wilmington Endowment Fund of the Salvation Army.

ROBERTO GONZALEZ,  
c/o Christian Children's Fund,  
Guatemala.

DEAR ROBERTO: My father died last week. He was 83 years old and had led a good life. I will tell you something about him. He was, as you say in your country, a government official and was elected to various positions by the vote of the people. He saw his job as a duty to serve the people. Although he had a large office he never viewed it as "his" or as a place of personal power. Rather, it was his custom to say, "Come on in. This office is your office." In this place he would listen to those who needed help and try to find answers to their problems. It did not matter to him if a person was rich or poor, he gave equal attention and effort. He achieved as much personal satisfaction from helping an elderly sick person receive proper care as he did from assisting a business leader complete a large transaction.

He was always available to the people he served—day and night. His one and only home telephone had its number listed publicly—and anyone could call anytime. He always answered. When he was not home my mother or sister would answer the phone and he would return the call.

Sometimes my father had to make decisions on certain issues, in dispute. He studied, listened to all views, asked questions and guidance in order to resolve the question in the best interest of the people. Even though he did not please all the people, he did maintain their trust and respect for his patience, understanding, courtesy, and sincerity.

As a young boy my father grew up on a farm where, when not working in the fields, he hunted, fished, and participated in school sports (as you do, Roberto, with your soccer team). At the earliest age possible, he joined the local military. He felt this provided him not only with a discipline and fellowship, but also an opportunity to be of service to his country.

As a young man, my father joined many clubs, service organizations and community groups. Here he made new acquaintances and friendships that would last his lifetime. Not only did he just join, but he fully participated in the activities with his time and efforts. He loved to be so involved. Even after he was no longer in government, he maintained an active presence in these organizations. He particularly enjoyed encouraging younger people to become active in service to the community.

The local church in which my father's funeral service was held was the same church

where many years ago he and his three younger brothers first attended Sunday School, learned the Scripture and developed their faith. They each trusted the Lord and supported His church.

In sum, Roberto, my father saw goodness in all people; if he could not say something good about one, he would say nothing. He was in the best sense of the word a public servant.

I have mentioned my father to you so that you may share with us the value of his example.

God bless you and your family.

CALEB BOGGS, Jr.

[From the News Journal, Apr. 5, 1993]

(By Harry F. Thernal)

# REMEMBERING THE BIG FOUR OF STATE POLITICS

Cale Boggs was laid to rest on Friday next to his beloved Bess, just a year after her death. Without minimizing the loss their families feel for that inseparable couple, all Delawareans lost a piece of themselves.

Boggs' death at 83 means only one of the big four of Delaware politics of the 1950s and '60s is still with us. Allen Frear died in January at 89 and John Williams five years ago at 83. Only Bert Carvel is still going strong at 83.

Today we have a new era of perennial officeholders in Bill Roth, Joe Biden, Mike Castle and Tom Carper. (And Pete du Pont, Sherm Tribbitt and Russ Peterson remain on the Delaware scene in varying degrees of retirement and silence.) Roth, Biden, Castle and Carper are all associated with New Castle County while the big four of Boggs, Carvel, Frear and Williams had their roots below the canal.

Boggs always seemed more of a Cheswold home boy than a suburban pol who lived most of his life modestly in Brandywine Hundred. When he died, his funeral was at the Cheswold United Methodist Church and he was buried in Old Presbyterian Church Cemetery in Dover.

Williams was inextricably linked with Millsboro (but he was born near Bayard); Frear was Kent County through and through, born in Rising Sun and living much of his life in Dover, and even though Carvel was born in New York State and brought up in Baltimore, Laurel considers him the nearest thing to a native.

Another trait these four had in common was their often upset starts in politics. Boggs had been a Family Court judge but was almost unknown when he was drafted to run for Congress in 1946. He would win eight consecutive elections and serve six years as our lone congressman, eight as governor and then a dozen as senator. In each of those roles he would make important contributions to the state and the nation.

Williams had never run for public office and was even more unknown when he was drafted, almost as a sacrificial lamb, to face the formidable titan of Delaware politics, John Townsend. Few people expected that he would propel himself singlehandedly into the forefront of the efforts to keep our government clean and honest.

Frear was never one of the headline-grabbing senators, but his closeness to the seats of power made him an important influence that belied his coming from a small state. He, too, was a surprising winner in the first of his two Senate wins, over former governor C. Douglass Buck.

Carvel became enraged at voter fraud that he saw while serving on a grand jury, and after being elected lieutenant governor, was

twice elected governor a dozen years apart. He is almost unanimously accepted as one of the most progressive chief executives Delaware ever had.

Boggs, a lawyer, is the only one of the Big Four not to come from a business background. Frear ran a dairy and fuel business, Williams a feed company and Carvel, the fertilizer business.

All four were able to succeed without sinking into the political gutter that is all too common these days. Although all were only middling public speakers, they had no trouble getting their character and program across.

It never has mattered much in Delaware whether you were Republican or Democrat to be admired or to win. Williams might have been too conservative financially and Carvel too liberal on social programs for portions of the population, but they along with Boggs and Frear won support from all segments of the Delaware political spectrum.

As Nan Clements's obituary said, Boggs "returned all the love Delawareans gave him." He knew more Delawareans than anyone in the state's history. Clements wrote, and perhaps that's why his eventual loss to Biden proved to be such a tremendous upset. Delawareans still loved him but they opted for a new era.

Boggs, Carvel, Frear and Williams were first of all Delawareans who had the goodness of their state's people at heart.

[From the News Journal, Apr. 13, 1993]

# CALE BOGGS, UNCOMPLICATED, UNPRETENTIOUS: HE WAS TRULY ONE OF A KIND

(By Allan Rusten)

When I picked up the Sunday News Journal on March 28 and read that J. Caleb Boggs had died at the age of 83, the news triggered a flood of warm memories about a unique and gentle man I had the extreme good fortune to know and to be associated with for what now seems like too brief a period of time.

Although I first met Caleb Boggs in 1952 when I was a young reporter for WDEL and he was a U.S. Representative running for governor, it was not until 1959 that I really got to know him. He had been governor six years by then. He had just been named chairman of the National Governors Conference, and there was beginning to be talk within the Delaware Republican Party about his becoming a candidate for the U.S. Senate.

This may be hard to believe, but in those days the staff of the governor of Delaware consisted of two secretaries. Period. No one had yet heard of policy wonks and spin doctors. Public office in Delaware was simple and straightforward in those days, and that suited Cale Boggs just fine.

But the state Republican Party decided that Gov. Boggs needed some "professional" staff support if he was going to succeed as Chairman of the National Governors Conference and perhaps run for the U.S. Senate seat in 1960. I was hired away from Channel 3 in Philadelphia where I was a news writer and reporter and "loaned" to Gov. Boggs as a combination speech writer/researcher/public information officer.

So my family and I moved back to Delaware in 1959 and we purchased a home in Green Acres in Brandywine Hundred. It was not until after we bought the house that I learned that Gov. Boggs also lived in Green Acres (Delaware had no governor's mansion then). That coincidence turned out to be a major convenience as we spent considerable time together during the next two years.

It's hard for an outsider or newcomer to understand the lack of pretentiousness that

is the normal condition of public officials in Delaware. I recall that when my in-laws made their first visit to see our new house in Green Acres, we took them on a drive around the community and pointed out Gov. Boggs mowing his lawn on Grinnell Road, across from the community swimming pool. My in-laws were flabbergasted to see a governor mowing his own lawn, but that was Cale Boggs. It was also pure Cale Boggs to call my home one rainy evening to express concern about my going out in the rain with a cold to bring a speech draft to his house. No he insisted, he (the governor) would come over to my house in the rain and collect the speech draft.

Much has been and will be written about Cale Boggs as a warm, gentle man who genuinely liked people. His ability to recall the first names of thousands of Delawareans from one end of the state to the other is legend. What I also observed on more than one occasion was the masterfully warm and down country way he made people think he remembered them, when actually he had no idea who they were. Perhaps the most amazing thing about the man is that in my 40 years in Delaware I have never heard anyone say a negative thing about Cale Boggs. That's an enviable record for any human being but for one who spent his entire adult life in politics and public office, it's unheard of.

Throughout his career, Cale Boggs fit comfortably into the mold of the Cheswold, Kent County, farm boy of his youth. There was a certain Will Rogers quality about him that made you instantly at ease with this likeable, unpretentious congressman or governor or senator. But he was no country bumpkin. While former Gov. Russell W. Peterson receives the credit for transforming Delaware's commission form of government into a cabinet structure, it was actually Cale Boggs who laid the groundwork for that transformation.

It was in 1959 that Gov. Boggs, with the help of the National Governors Conference and a few Delaware volunteers, developed a comprehensive plan for changing the commission government to department cabinets. The plan and the campaign to sell it were given the title of "New Day for Delaware," and Gov. Boggs worked hard to win support for it in the General Assembly. There were even extensive public hearings held in Dover during which Gov. Boggs and various expert witnesses from Delaware and beyond testified as to the benefits of a cabinet form of government. I spent a lot of time with Cale Boggs during that period. Each day of those hearings, the late Rodney Layton (the governor's volunteer legal counsel) and I would drive from Wilmington to Dover for a lunch meeting with the governor to prepare for that day's testimony and hearings. (Even lunch was pure Cale Boggs: a cup of soup and a plateful of little tea sandwiches. It was the same lunch every day.)

Despite Cale Boggs' efforts and sincerity, politics raised its sometimes ugly head and the Democratic-controlled legislature refused to approve the Republican governor's government reorganization plan. But the effort was far from a failure. It resulted in the first serious discussion of cabinet government for Delaware, and it laid the groundwork for the changeover that came several years later.

Cale Boggs fought the good fight trying to win the acceptance of his New Day for Delaware program. He suffered a lot of political abuse from some members of the legislature during those hearings, but he always turned



the other cheek, as was his wont throughout his life. But I have to admit that I always suspected that Cale Boggs had a twinge of uncertainty about abandoning a commission form of government in which so many of his good friends from all over the state could participate in governing Delaware.

Cale Boggs became a candidate for the U.S. Senate in 1960 and was elected. At his Green Acres home on election night, and the festivity of the victory celebration, he called me aside into his den and paid me perhaps the highest compliment of my professional career. He asked me to go to Washington with him as his chief of staff. It was a difficult decision for me, but having only recently uprooted my young family to move to Delaware from Philadelphia, I could not consider yet another family upheaval. I had to decline Cale's wonderful once-in-a-lifetime offer, but the memory of it is as fresh in my mind today as that night more than 32 years ago.

As I wrote this column, I kept asking myself what made Cale Boggs unique. Was it his honesty, his sincerity, his integrity? Was it his ever-present warmth and friendliness? Those traits certainly are a part of it. But most of all it was the genuine simplicity of his being, uncomplicated and unpretentious.

No images here. Cale Boggs was real, and he was one of a kind.

Mr. ROTH. Mr. President, I think it is worthwhile to spell out in some detail the life of this great man.

His life began in Kent County on May 15, 1909. He was educated in public schools, then went to the University of Delaware. He graduated in 1931, the same year he married his high school sweetheart, Elizabeth "Bess" Muir of Dover.

Then he went to Georgetown University, where he received his law degree in 1937.

Mr. Boggs joined the Delaware National Guard in 1926. During World War II, he served with the Sixth Armored Division fighting in Normandy, the Rhineland, the Ardennes and central Europe. He earned five Campaign Stars, the Legion of Merit, the Croix de Guerre with palm and the Bronze Star with cluster.

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and the U.S. National Commission for UNESCO (1964-66).

He also served as Senate member of the National Commission on Fire Prevention and Control (1971-72) and was a member of the board of visitors for the U.S. Military Academy at West Point (1965), the U.S. Naval Academy at Annapolis (1966 and 1972) and the U.S. Air Force Academy at Colorado Springs (1970).

Mr. President, I make a point of order that a quorum is not present.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. The minority leader is recognized.

#### TRIBUTE TO J. CALEB BOGGS

Mr. DOLE. Mr. President, I join with my colleagues today in saluting the life and career of Cale Boggs.

As one of America's Original Thirteen Colonies, Delaware is rich in history and in patriots. There can be no doubt that Cale Boggs has earned a place in Delaware history as one of the most outstanding and respected public servants of his—or any other—time.

Six years as a U.S. Congressman, 8 years as Governor of Delaware, 12 years as a U.S. Senator, in each of these positions, Cale Boggs earned a reputation as a public servant of intelligence and integrity.

I was privileged to serve alongside Cale in this Chamber for 4 years. He was what we now term around this place as a "workhorse." Cale was not flashy nor was he out seeking headlines or looking for publicity. He was out trying to work for the interests of Delaware. What he wanted to do, however—and what he did throughout his career—was to make a difference.

He worked quietly and effectively to ensure that the interests of the citizens of one of America's smallest States always received the highest priority.

Along with my colleagues, I extend my sympathies to Cale's family.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROTH. I yield such time as he may need to the distinguished senior Senator from Oregon.

The PRESIDENT pro tempore. The Senator from Oregon [Mr. HATFIELD] is recognized for such time as he may consume.

#### A GENTLEMAN IN ALL CIRCUMSTANCES

Mr. HATFIELD. I thank the Chair. I want to thank my colleague from Delaware, Senator ROTH, for giving me time.

Mr. President, I come to the floor today to pay my respects and my tribute to the late Senator, former Governor, former Congressman, Cale Boggs of Delaware. It was my privilege to become first acquainted with the late Cale Boggs as a fellow Governor. We served together through his period as Governor. I must say the highest tribute I think I can pay to Cale Boggs was that he was one of the nice people in politics who proves that nice people can win. I do not mean that in a wimpish way. I am speaking purely that he was a man who was known to be a gentleman in all circumstances.

I remember many years ago, a former mayor of Philadelphia, with origins in my State of Oregon, once said you can disagree without being disagreeable. Now that phrase may have been predated but that was the first time I heard it. I think of Cale Boggs and in all of his relationships he handled himself strictly as a gentleman, nice in the sense that he was pleasant, he was positive, he was one who had great convictions, but he did not advance his convictions at the cost of tearing down the opposition or the people who may have disagreed with him.

I remember his smile, his laugh, his facial body language that communicated interest, passion, concern. I was proud that he represented that on the Republican side in the Governors' conferences and here in the Senate because of the imagery of parties that seem too often to convey that Democrats are interested in people and Republicans are interested in business or institutions, which is far from the truth, but nevertheless it is one of those imageries we combat constantly in politics, like many other images. But Cale Boggs was the embodiment of humanity at its finest.

I remember we would get into some very heated discussions in the Governors' conferences. We got in heated discussions that were led often by polarized leaders, such as Nelson Rockefeller would lead the procivil defense program, the viewpoint at that time on how we should map our States to evacuate the cities and to run for the closest shelter and to have identification of shelters, urging everybody to build a bomb shelter in their home because the day of the apocalypse was upon us.

On the other hand, Bob Meyner, Democratic Governor of New Jersey, would always counter with his argument about that is impossible. He said, "Look at the traffic jam we have at 5 o'clock in the afternoon, or 8 o'clock in the morning"—on and on we would get involved in this heated discussion of pro- or anticivil defense.

On a number of occasions it would go on for a certain period of time, and

Caleb Boggs would ask for recognition. Caleb would make some kind of a remark with humor, with his nice personality, and it would be like pouring cold water on heat, it would be like putting oil on troubled waters. He was a peacemaker, he was a reconciler, he was all of that within our association as Governors. I cannot help but feel that he probably had that same relationship with constituents in Delaware which gave him that kind of stature of respect and admiration and affection.

There are some people who you can have great respect and admiration for but not necessarily sense a warmth to elicit a feeling of affection. But Caleb was all of those. You respected him for his intellect, you admired him for his clarity of thinking and his fairness, but you had that sense of warmth, that feeling of "I like him; I'd like him if he never opened his mouth; just to look at him, I like him." That is kind of a rare commodity in this business of politics and life in general.

Some people seek their whole life to be liked and they may achieve a part of that goal but never necessarily include respect and admiration. Here others seek respect and admiration but never succeed in eliciting the kind of warmth that brings the responsive warmth. But he was all of these.

I would only say in closing that I miss him and I want to say that the highest appellation I can pay him is my friend, and I give my sympathies to his family and my colleague from Delaware, who is among his friends, as well as other friends of Caleb Boggs. I yield the floor.

#### CALEB BOGGS

Mr. BYRD. Mr. President, I join many of our colleagues in sharing my own regrets at the death of our late friend, Senator Caleb Boggs from Delaware.

A native from Delaware himself, Caleb Boggs—"Cale" to those who knew him well—served as a Member of the House of Representatives from Delaware from 1947 to 1953. Subsequently, Caleb Boggs was elected Governor of Delaware, an office that he fulfilled with distinction from 1953 until his election as a U.S. Senator from his home State in 1960 until 1963.

On an objective, senatorial level, Senator Boggs was a militant, but rational environmentalist. A cosponsor of the National Air Quality Standards Act of 1970, Senator Boggs helped to win congressional approval of this bill, which was signed into law by President Nixon. Further, Cale Boggs was a cosponsor and helped to write the Water Quality Act of 1965. In 1970, Senator Boggs helped to strengthen State authority to prohibit sewage and pesticide discharge into rivers and lakes and to provide for coordinated Federal attacks on river and lake pollution in the Water Quality Act of 1970.

Through those and other vital contributions in education, medicine, agri-

culture, transportation, and other domestic concerns, Senator Boggs left an enviable record of legislation aimed at improving the quality of life of all Americans and at widening opportunities for all of our citizens. But, above all, Cale Boggs will probably be best remembered by his friends still serving in the Senate and by the people of Delaware as a friend, a man of warm humanity, and as a gentleman who sought ever to set people at ease through his common touch and deep consideration of other people's feelings. Cale Boggs was a man whose friendship one easily sought and, once secured, was long treasured.

A graduate of the University of Delaware and of Georgetown University Law School, Cale Boggs, shunned stuffiness and pomposity. He sought to make communication between people easier, and seemed possessed of a desire to make friends even of those who opposed him on matters of law and detail.

To Caleb Boggs' family and friends, I add my condolences on his passing, as well as my assurance that I will recall Cales' gentle manners and sincere friendship as long as I live, and that I will always count him as one of my truest friends and associates in the long course of my own Senate career.

Mr. BIDEN. Mr. President, will the Senator from Delaware yield to me to speak to the passing of J. Caleb Boggs?

Mr. ROTH. I yield 10 minutes to the distinguished Senator from Delaware.

The PRESIDENT pro tempore. The Senator from Delaware is recognized for up to 10 minutes.

Mr. BIDEN. I thank my colleague.

#### SENATOR J. CALEB BOGGS

Mr. BIDEN. Mr. President, with the passing last month of former Senator J. Caleb Boggs, the State of Delaware and the United States lost a consummate public servant. We use that phrase "public servant," Mr. President, relatively loosely. The Presiding Officer knows better than anyone in this Chamber that there have been men and women who come through this Chamber who are dedicated for a time to public service. Many, when they leave public service, either voluntarily or because they have been defeated, move out of the entire public arena, everything from no longer participating in the local charity drive at home, to appearing at the Kiwanis Club, to showing up at the fundraiser for the YMCA, to being involved in church activities to raise money for worthy causes.

We all kid, Mr. President, about the rubber chicken circuit that we all are on when we go back to our home States. We are invited to myriad public events, almost all of which are designed for some good public purpose. A measure of the truth of a man's or woman's life, I think, is in our business determined by whether they conduct themselves after they no longer hold public office in the same manner they

conducted themselves when they held public office.

What I found about J. Caleb Boggs was that he lived his whole life for other people. Mr. President, even after he left the Senate in 1972, while his health still pertained, you could find J. Caleb Boggs at the VFW banquet; you could find him at the Columbus Day monument event raising money for worthy causes; you could find him deeply involved almost every evening of his personal retired life doing the same kinds of things he did when he was an elected representative.

J. Caleb Boggs was Delaware's U.S. Representative from 1947 to 1953. Then he guided our State from 1953 to 1961 as its Governor. From 1961 to January 1973, he served in this body where he had a reputation as a skillful coalition builder, an independent thinker, and a forceful voice for my home State. Along with the late John J. Williams, he made Delaware's delegation among the most admired in the Senate.

A former colleague of his and a friend of the President pro tempore as well, J. Allen Frear, recently passed away. But among all the people who have served, it has been my observation in the last 25 years of my involvement in elective office in the State of Delaware, that the qualities that J. Caleb Boggs evidenced were ones that were there throughout his life, before he was a holder of public office and public trust, and after he was out of public office.

Mr. President, the State of Delaware is small, where you will find an industrial city, middle-income suburbs, wealthy estates, small towns, and family-owned farms, all within a short drive of one another. And you cannot be narrowly focused to represent my State.

When there is a good likelihood that any two people you might meet in the State will know each other, and that you are as likely to meet someone who will engage you in debate in the grocery store as you are on the podium, you learn very quickly, Mr. President, how important it is that there be a sense of comity, that there is a sense of cooperation.

J. Caleb Boggs set a standard for all of us who serve in public life in any State. Few of us, myself included, have met that same standard. J. Caleb Boggs is a man, like my senior colleague, Senator ROTH, who decided years and years ago, back in the forties, as a Member of the House of Representatives, that he would be available. It was almost a joke that if three Delawareans gathered on a corner, they expected their U.S. Senator and their Governor to be there if they are to discuss an issue.

It is a bit of an exaggeration, but that tone was set by J. Caleb Boggs.

They tell a story, Mr. President, of a group of fellows from the VFW and the Kiwanis Club having a poker game one



night when J. Caleb Boggs was a U.S. Senator. There was an argument at the poker game. It was a nickel, dime, and quarter operation—more social than anything else. But, there was a disagreement. They could not settle it. So at a quarter of 12 at night, one of the persons in the group said, "Well, let us call Caleb. He will settle it." A sitting U.S. Senator. They called him at a quarter to 12 to decide whether one party was right and the other party was wrong. Whether that is apocryphal or not, that is how this man was viewed in my State. The first time I met him, I was walking down the street with my dad. My dad has never been involved in politics. He has never been involved in legislative office. He was a man who worked hard all his life and made a fine reputation for himself.

We were walking down the street in Wilmington. I was a high school student. J. Caleb Boggs saw my dad, pulled over the limousine, and said, "Joe," to my dad, "would you like a ride?" He was in the Governor's limousine. My dad had never been involved, never contributed any money, was in the opposite party, and had only met J. Caleb Boggs half a dozen times in his life.

This is the Governor of the State of Delaware. He pulled the limousine over and said, "Do you want a ride?"

I asked my dad, "Who is that? Is that somebody that works for the Governor?" He said, "No; that is the Governor."

The Governor pulled over and asked my dad if he wanted a ride.

Granted, I acknowledge the size of my State and the nature of the politics of my State over the years has made this kind of intimacy more likely than in a State of 24 million people. I acknowledge that. But it is interesting, Mr. President, that when Senator ROTH and I attended the funeral of Caleb Boggs, one of the comments made by one of the press people asking me questions was: "Is it not interesting, Senator, the last time we had a campaign in Delaware where not a cross word was spoken was in 1972, when J. Caleb Boggs ran for office?"

Mr. President, this man was the quintessential gentleman. He was a character in the sense that he set a standard that all of us are trying to repair to; most of us, like me, do not achieve that standard as well as we would like to.

But the truth of the matter is, Mr. President, this was a man who never, never, never failed to be there when the people of his State asked him for help, whether he was in the employ of the Government as a military officer who had a distinguished career in World War II, where he fought in Europe, whether he was a U.S. Senator, or whether he was a retired 75-year-old man who could not say no when someone asked him to help. He would show

up at events to lend credibility to them, to attract help for the causes, and merely to be there—to share with the people trying to do something good for his State.

He was a remarkable man. It sounds strange coming from the man who ran against him and who prevailed; J. Caleb Boggs did not stay in the Senate an extra term because of the Senator from Delaware named BIDEN. But it is interesting, Mr. President, that in that race, in 1972, not one single time did I ever personally criticize him, or did he ever personally criticize me—not once.

Mr. President, let me conclude by telling you a story about the nature of this man. We have an event in Delaware. It is called Returns Day. To the outsider, it is a beautiful event. To someone involved in public life, it can be brutal.

In our southernmost county, in the county seat, Georgetown, historically the way in which people would find out who won the elections in that county for over 200 years was that 2 days after the election—it was held the Thursday after the Tuesday election—the folks would ride in from all over the county to the town circle, the circle in Georgetown. There is the historic old courthouse. They would count the votes, and the town crier would come out on Thursday. The town crier would stand on a wrought iron balcony of this old colonial building and read the returns of the election.

The ceremony developed where we would then bury the hatchet. The Republican chairman and the Democratic chairman would literally bury the hatchet in the ground, and the people would have a picnic, in effect, on the circle.

It developed over the years to where the winner and loser of each statewide race show up on that Thursday. There is a luncheon. Thousands of people come to the circle. The results are ceremoniously read out. Then, for an hour, you hop in a carriage with the person who defeated you, or whom you defeated, with their family, and you ride for an hour through the town, sitting knee to knee with your opponent. It is a difficult thing for someone to do if they lost—difficult.

I defeated J. Caleb Boggs when no one expected him to be defeated. Had he started 2 months earlier, I would not be here. It was not because I was so good. I was not taken seriously at the time, and he was put in a difficult position.

The bottom line of all of this was that Wednesday after the election, Wednesday morning at 5:30, I showed up, like Senator ROTH and others do, as is the tradition in our State, to thank the voters. The candidates thank the voters at the factory gate. It was pouring rain; and I got a cold. I thought, "What I am going to do is call Senator Boggs and allow him to be able to tact-

fully avoid having to go through what some could consider a humiliating exercise the next day."

I called him, and I said, "Caleb"—I never actually called him Caleb at the time. I said, "Senator, this is Joe Biden. I called to tell you that I have a terrible cold and I am not going to be able to make it to Returns Day. I will not be there. So there is no need for you to have to go."

There was silence on the phone, Mr. President. Then he said to me, "Joe, thanks. But I rode when I won, and I will be proud to ride with you even though I lost. It is part of our State, Joe."

This was a man who had served the State for 26 years, the winningest politician in the State of Delaware at that time. He was an honorable man. My State lost when we lost him. And we would all be well served to emulate his notion of public service.

Thank you, Mr. President.

#### TRIBUTE TO CALEB BOGGS

Mr. THURMOND. Mr. President, I rise today to pay tribute to my good friend and former colleague J. Caleb Boggs, who passed away on March 26, 1993, at the age of 83. Senator Boggs was a man of character, courage, capacity, and compassion, and he will be deeply missed.

Senator Boggs was born in Kent County, DE, in 1909. He earned a degree from the University of Delaware at Newark in 1931, and that same year married his high school sweetheart, Elizabeth Muir. He earned a law degree from Georgetown University Law School in 1937, and after being admitted to the bar in 1938, he practiced law in Dover, DE.

Cale served in the Army with distinction during World War II, fighting with the 6th Armored Division in Normandy, the Rhineland, the Ardennes, and central Europe. He earned a number of honors and awards, including five campaign stars, the Legion of Merit, the Croix de Guerre with palm, and the Bronze Star with cluster.

Upon his return from the war, Cale became a judge in the family court of New Castle County, DE. Always keenly interested in public service, he ran successfully for Congress in 1946. He served in the Congress from 1947 to 1953, and then went back to Delaware as Governor.

Senator Boggs' 12 years as Governor were characterized by sound policies and excellent fiscal management, and his foresight and hard work are still benefiting the State of Delaware today. In 1960, following his term as Governor, he was elected to the Senate, where he served until 1973.

I got to know Cale during his time here in the Senate, and I took an immediate liking to him—a common reaction. With a sparkle in his eye and a spring in his step, he was a welcome sight on the Senate floor and every-

where else. Upon leaving the Senate, he returned home to his beloved State to practice law once again, this time in the capital, Wilmington.

Mr. President, Caleb Boggs was an outstanding individual in every way. His intelligence and high ideals earned him the respect of friend and foe alike, and his fine personality endeared him to all his colleagues. Our Nation and the State of Delaware have lost a good and loyal friend in Caleb Boggs, and we shall miss him.

I would like to take this opportunity to extend my deepest sympathy to Cale's son, J. Caleb Boggs, Jr.; daughter, Marilu Boggs; brother, Calvin Boggs; and the rest of his fine family. Our thoughts and prayers are with them at this time.

#### IN MEMORY OF JAMES CALEB BOGGS

Mr. STEVENS. Mr. President, today we remember and honor James Caleb Boggs, a Member of this body who dedicated his life to public discourse and community service. Caleb's public service began right after the war in 1947 and ended in 1972, 4 years after I came to the Senate.

As a young Senator, I learned a lot about this body and about public service by watching Caleb's example. He served on the Appropriations Committee and on Public Works and was one of the best negotiators I've ever seen.

By blending the leadership skills he developed as a general, with the sense of fairness and equity he acquired as a judge, he became one of this institution's great conciliators. As Governor of Delaware, he was able to calm troubled waters during the periods of great racial strife in Wilmington when everyone else had failed.

He and his high school sweetheart, his wife Bess, worked tirelessly for charitable causes—and not just in leadership positions, but in the trenches where it really counts. Every year they could be found ringing bells at Christmas time in the frigid Delaware winters to collect money for the Salvation Army.

I treasured the time we spent together fishing and sharing stories, and I miss his wise counsel and friendship.

#### TRIBUTE TO CALEB BOGGS

Mr. PELL. Mr. President, I join my colleagues today in paying tribute to the memory of our very distinguished and respected former colleague, Senator J. Caleb Boggs of Delaware. It was my good fortune to serve with him during my early years in the Senate.

Senator Boggs and I were elected to the Senate in 1960 and began our service together the following January, although he of course stood much higher in seniority because of his prior service as a Member of the House and as Governor of his State.

But that difference in seniority and our difference in partisan identity did not in any way deter the warm friendship we developed during his two terms in the Senate.

My warmest memories of that association go back to the fall of 1962, when Senator Boggs and I and Senator Ben Smith were chosen by Senator Mansfield to join him on a 5-week round-the-world factfinding trip requested by President John F. Kennedy.

We traveled first to Berlin and then to Southeast Asia and made two formal reports to the Foreign Relations Committee, one of which recommended a policy which "helps to bring about internal peace in Vietnam but maintains, scrupulously, our advisory capacity. \* \* \*

If only that policy had been followed, how much better the United States and the world would have been.

It was a pleasure to be associated with Caleb Boggs in that venture and to benefit from the wisdom and perspective he brought to our mission.

He was above all, a thoroughly decent and dedicated public servant who put the national interest ahead of narrow partisan concerns. It was a privilege to have known him and to have shared those years with him in the Senate.

#### CALEB BOGGS: IN MEMORIAM

Mr. HOLLINGS. Mr. President, Senators of a certain age and tenure were deeply saddened earlier this month to learn of the death of our distinguished former colleague, Caleb Boggs. Caleb's life was devoted to public service. He served in the Army during World War II, was elected to the U.S. House after returning home from battle, left the House to serve as Governor of Delaware, and was elected U.S. Senator in 1960.

Mr. President, Caleb represented Delaware in the Senate for the next 12 years, earning a reputation as a man of exceptional decency and integrity. He was also as dedicated a legislator as you will ever encounter. Certainly, I have the fondest memories of my years of service in with Senator Caleb Boggs. He was a great friend to so many of us in this body. We will miss him greatly.

#### WOMEN IN THE MILITARY

Mr. ROTH. Mr. President, I understand that Secretary of Defense Les Aspin is expected to announce a major change in the Department of Defense's policy toward women serving in the military.

I rise today to applaud the anticipated order by the Pentagon to allow women to fly in combat aircraft. About 2 years ago, Congress opened the door to allow this action by repealing a 40-year-old ban that prevented women from competing for combat pilot positions. As one who led the fight on the Senate floor for lifting this discriminating ban against women pilots, I am very pleased the Pentagon is acting on this initiative.

In 1948, Congress imposed a rule which prevented women from serving

as combat pilots. This congressional restriction impeded the flexibility of our military services and created an artificial barrier to thousands of talented and courageous women aviators.

In 1991, Senator KENNEDY and I were successful in persuading the Senate to pass legislation removing the legal limitations which had prevented women from flying combat aircraft.

We believed the Secretary of Defense should have the greatest flexibility and maneuverability to marshal the forces at his command. We believed the women who had proven themselves, not only in the test pilot's seat, but in battle conditions and in the line of fire, should have the ability to compete for these esteemed combat pilot positions.

The courage and mettle of our female pilots were proven in the skies over Saudi Arabia, Kuwait, and Iraq during Operation Desert Storm. Our women pilots showed cool thinking and competence as Army helicopter pilots, Air Force AWACS pilots, and Navy surveillance pilots in the Persian Gulf. They flew behind enemy lines and transported troops into enemy territory. Some of them flew ahead of the ground assault into Iraq. We owe our victory in the gulf, in part, to the superb performance of these women pilots.

The bottom line is clear. Women have proven themselves steadily and consistently over the years, and they have served with great distinction. Our women military pilots are an exciting new generation of aviators. They are smart, articulate and, yes, they are indeed professional.

They deserve the opportunity to compete for these positions in combat planes.

Allowing women to fly combat aircraft is not about gender, but about excellence. It is not about women pilots flying combat missions, but about the best pilots flying combat missions. The readiness and preparedness of our military defense is a serious matter. When our Nation's future is at stake—and the future of free nations is at stake—we want the most skilled and seasoned men and women on the job.

With this order, I believe the Secretary of Defense is recognizing that in a combat situation, the best and brightest pilots should be selected on the basis of ability, not gender. I commend Secretary Aspin for his decision.

#### CRISIS IN BOSNIA

Mr. WARNER. Mr. President, yesterday afternoon at approximately 4 o'clock, the leadership of the House and the Senate, together with the chairman and ranking members of the relevant committees, met with the President of the United States for nearly 3 hours on the Bosnian tragedy. So far as I know, this was the first time that our President has consulted with such a broad group of the leader-



ship of the Congress with respect to the tragedy occurring in Bosnia.

I would like to sincerely compliment the President for the manner in which he conducted this meeting. He was thoroughly prepared. He encouraged each Member to speak very freely about their views. Present were the Secretaries of State and Defense and the acting chairman of the Joint Chiefs of Staff.

The discussion covered each and every option with respect to the merciless, mindless wounding and killing going on in Bosnia.

Great concern for the suffering was expressed by all present. There was however, a wide diversity of opinion as to what options should or should not be pursued.

The President listened very carefully. The President posed tough questions and asked Members to address those questions individually. He made it very clear that he would continue this consultation with the Congress and our allies before making a decision. It was clear to all present that the President, from his statements as well as his questions, had done extensive analysis of this most complex problem. I commend him for keeping his "cool" and not being pushed into making a decision prior to receiving the views of others and a very careful analysis.

Mr. President, I believe it is time for the Congress of the United States, and, most particularly, the Senate of the United States, to begin thorough, active, informed debate on this issue. While a few Members have taken the opportunity to debate the situation in Bosnia here in the Senate, the main debate is still in editorial columns and on television news programs as we witnessed this morning between two of our colleagues, Senator MCCAIN, a man who has impeccable credentials to address this issue, and Senator BIDEN, who has stated very strongly the need for prompt American military intervention as a part of U.N. forces.

I have had the opportunity to debate here, with both Senator BIDEN and Senator MCCAIN and others, this issue. Now, it is the responsibility of all Senators to fully learn for themselves from the military, intelligence, and other experts. After being so informed, comes the responsibility to express our views and take our positions. Congress, as a body, can no longer sit on the sidelines. Our President and Vice President, who was present yesterday at this meeting, have stepped forward and are spending a considerable amount of time learning about the complexity of this situation. As Commander in Chief the President is facing up to the need to eventually state a national policy.

I urge Senators to avail themselves of the expert advice, primarily from members of the Joint Chiefs of Staff. The Senate Armed Services Commit-

tee, at this moment, is in session listening to officers with expert knowledge on this question—the Senate Foreign Relations Committee, the Senate Appropriations Committee, the Senate Intelligence Committee, likewise have received testimony. But many Members of the Senate have not had the same opportunity. I believe it is time for the Senate as a whole to accept its part of the responsibility with respect to Bosnia, so that when the President establishes and announces a national policy toward Bosnia, the Congress will be in a position to have an informed debate and go on record if we are with him or not.

We must accept that responsibility if we are to consider sending men and women of the Armed Forces in harm's way or ask them to take greater risks beyond what they are already taking in the aerial resupply operations and in enforcing the no-fly zone and the naval embargo. We must take equal responsibility—with the President—if the decision is to intervene or not to further intervene. We have already intervened by requiring an arms embargo. We would not want to have the President announce a national policy, then delay or question implementation for a prolonged time to determine whether or not the Congress is or is not in support of the President. Our duty is to do our "homework" now, as the President is doing, do it thoroughly, and be prepared to debate and decide after the President announces his recommendation for a national policy on further intervention or nonintervention. Soon we will have a formal resolution, for the Senator from Delaware spoke of this need yesterday at the meeting with the President.

There are certain parallels to the congressional actions taken during the gulf war when the Senate had extensive hearings and briefings, extensive floor debate, then voted, by a narrow margin, to support the President.

We should now take the same careful steps with respect to crisis in Bosnia. We owe that duty to the uniformed people who must accept risks, we owe that duty to the American people to define those risks and define the presence, or absence, of our national interests, and we owe that duty to our President. Let's all get off the bench and, now, perform our duty—get on the field of play in full view of all.

The PRESIDENT pro tempore. The Senator's 5 minutes have expired.

Mr. WARNER. Mr. President, I ask unanimous consent if I may continue 1½ minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. In the instance of the gulf war, the President evolved a policy. Congress engaged in extensive debate before and after. Debate in this Chamber helped fully educate the American people and, ultimately, by a

narrow margin we enacted a resolution expressing congressional support.

So I conclude, Mr. President, by urging my colleagues to gain for themselves the facts so that we can proceed to help educate the American public through an informed debate in the Senate. Let's all do our homework and do it thoroughly as the President, the Vice President are doing.

I ask unanimous consent that a column that appeared yesterday in the Washington Post by Richard Cohen, who urges the Congress to take these actions, be printed in the RECORD, as well as a letter that I addressed to the leadership asking that the Senate as a whole be provided with expert advice from the Joint Chiefs as soon as possible and a synopsis of testimony from a Senate Armed Services Committee hearing this morning involving three senior military officers from General Powell's staff. This hearing and committee deliberations will continue this afternoon.

I thank the Chair, and I thank the distinguished Senator from Delaware.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### THE TOUGHEST CASE OF ALL

(By Richard Cohen)

The power of the press, supposedly greatly diminished in the age of Donahue, King and Oprah, nevertheless seems sufficient to pitch the United States into the war in Bosnia. The preponderance of editorial comment, the writing of op-ed columnists and the inflections of anchormen all demand of the West in general and the Clinton administration in particular that the Serbs be stopped by force. Only the people have yet to be heard from.

So far, this has been the strangest of debates. It has been largely conducted by commentators such as myself, hurry-up experts on a part of the world about which many of us knew little until recently. Great and vexing moral issues have been raised, sometimes tellingly, and references to the Holocaust have been brandished because (as any television viewer can see) vile things are once again happening in Europe. For certain people, Bosnia has become an all-consuming dilemma.

But not for Congress. Individual members have spoken out on the issue, and some, like Sen. Joseph Biden (D-Del.) have even visited the area. But Congress as a whole has yet to tackle the issue. No grand hearings in the manner of inquiries into the Vietnam War once held by the Senate Foreign Relations Committee have been mounted, although Biden held one of his own about two months ago at which, for the most part, no other senator attended. Congress just returned from its Easter recess. With the exception of Biden, though, not one member came back to Washington clamoring for military intervention.

The Clinton administration has been grappling with Bosnia. The president has said he has devoted more time to it than any other issue, and within the bureaucracy memos are flying back and forth. But Clinton himself has yet to engage the American people on the question of intervention in Bosnia. There has been no speech, no Clintonesque seminar such as the one he had on the economy.

Bosnia is a terribly complicated situation. It's made all the more complicated by the memory of Vietnam and Lebanon, where we intervened, and the Holocaust, when in the beginning we did not. But it is precisely for that reason that military intervention ought to be debated openly. After all, while it's possible that inaction might result in a wider war, it's just as likely that intervention could widen and intensify the war. It's possible that strategic bombing, the current flavor of the month among my op-ed brethren, would not be sufficient to stop the Serbs. What then? Ground troops?

The White House is keenly aware that Bosnia so far has engaged op-ed writers much more than the American people in general. For that reason, the options under active consideration are narrow in scope—maybe the limited use of air power to achieve a set purpose (save the remaining Muslim cities, for example). The idea is not to draw the United States and its allies into an escalating conflict for which there is now no popular support. As of yesterday, the policy review-cum-debate was still not finished, although Clinton is expected to make a decision within several days. Then an envoy will be dispatched to Europe to enlist our allies.

Still, the recent debacle in Waco ought to be instructive: Things sometimes just go wrong. It's possible that the neat policy papers circulating around Washington will have to be revised and revised again. That was the experience of Vietnam, and no rule of nature says it cannot be repeated. At the moment, the White House has no firm plans for the president to explain his forthcoming decision to the American people in a televised speech. Instead, background briefings are envisaged. The president should do both.

The lack of a popular mandate does not mean that the interventionists are wrong. It does not mean either that the administration cannot in other ways bring pressure on the Bosnian Serbs and the Belgrade regime—including good old-fashioned covert action. But if American lives are to be risked, both the president and Congress have to duplicate what was done in advance of the Gulf war. George Bush built a case for military action, and Congress after a debate agreed. Then we went to war.

Clinton has already ruled out the use of American ground troops. (There's zero political support for that option.) But that does not excuse either him or Congress from fully airing for the American people what our stake in Bosnia is (assuming we have one) and why we should get involved there. Inescapably more people will die in Bosnia before the West—and in particular the United States—decides on a course of action. But an even worse outcome is possible if we put a toe into Bosnia and have to pull it right out for lack of popular support. For the Bosnians whom we so much want to help nothing could be worse.

#### U.S. SENATE,

#### SELECT COMMITTEE ON INTELLIGENCE,

Washington, DC, April 26, 1993.

Hon. GEORGE J. MITCHELL,

Majority Leader,

Hon. ROBERT DOLE,

Republican Leader, U.S. Senate, Washington, DC.

GENTLEMEN: President Clinton indicated publicly on Friday, April 23, 1993 that the U.S. Government is considering options for addressing the situation in Bosnia that include aerial bombardment.

Because of the grave importance of any decision to commit U.S. forces to such aerial

combat operations, I request that you make arrangements promptly for all Senators to hear from the Chairman of the Joint Chiefs of Staff and appropriate representatives from U.S. intelligence agencies on the situation in Bosnia and the potential impact of executing various U.S. military options. It is vital that Senators have a common basis of fact from which each Senator may reach an informed, independent judgment about the wisdom of potential U.S. military action in Bosnia.

On Sunday's television program "Face the Nation," a Senator renewed his call for allied air strikes on Bosnia to be conducted largely by U.S. forces. He indicated that the U.S. Navy Admiral who serves as the NATO Commander in Chief, Allied Forces South advised that air strikes will "take out" Bosnian Serb artillery.

I have had the privilege of knowing that Admiral for many years and discussed this specific matter with him at some length last week. From my discussions with him, I gained a knowledge and an opinion that was at variance with the statements attributed to him on "Face the Nation." Other military experts, who have testified before the Armed Services Committee on which I sit, and the Select Committee on Intelligence on which I am Vice Chairman, repeatedly have expressed concerns about the prospects for success of U.S. military action.

I remain concerned that many Senators have not yet had the benefit of the intelligence and professional military judgment that is essential before a Senator decides whether to support further U.S. military action in Bosnia. Please make arrangements for all Senators to receive factual briefings on the military options available and the likely effect of pursuing them.

Sincerely,

JOHN WARNER.

#### SYNOPSIS OF TESTIMONY—HEARING, SENATE ARMED SERVICES COMMITTEE, APRIL 28, 1993

Mr. President, just this morning, three senior officers of our military services appeared before the Armed Services Committee, nominated by the President for positions of increased responsibilities on the staff of the Chairman of the Joint Chiefs of Staff, General Colin Powell.

I asked these officers for their views on prospective air strikes which some members of Congress have advocated. These same members, however, have ruled out the use of ground troops. The elimination of ground forces seems to be a political, not a military restriction.

Specifically, I asked these three officers if we directed our pilots to attack the kinds of easily hidden, mobile, artillery pieces that would be the intended targets in Bosnia, without the benefit of support from ground forces or low flying aircraft to acquire and identify these targets, would this not be a more difficult, higher risk operation? Is it fair to ask our pilots to assume greater risks by requiring them to fly at lower altitudes, taking greater risks, to locate these targets? Our military is trained to operate with land, air and sea, mutual support, to achieve military objectives. These politicians would ask our airmen to go it alone—greatly increasing their risks.

Major General Ryan, USAF (nominee to be Lieutenant General and Special Assistant to the Chairman of the Joint Chiefs): I don't know if I would use the term "fair, but it would be a more difficult operation; risks would be greater and the missions would be less effective.

Lt. General McCaffrey, USA (nominee to be J-5 Staff, Joint Chiefs of Staff): The operation would be "less effective and higher risk" to the aviators.

Major General Sheehan, USMC (nominee to be Lieutenant General and J-3 Staff, Joint Chiefs of Staff): I agree. Less effective target acquisition and destruction—higher risk to the pilots.

Mr. President, I believe it is clear that these very highly respected military officers agree that these air strike operations, under the difficult and restrictive conditions being contemplated by some political decision-makers, would entail greater risks and would be less effective than we would normally expect. I believe we do have a responsibility to consider carefully the implications of asking our pilots to accept these added risks to conduct such missions.

My fundamental point is that if increased U.S. military involvement is contemplated, then we are obligated to describe the objectives and the military should decide how, and what forces are needed to achieve the objectives. We shouldn't begin the process by imposing conditions first.

#### TRIBUTE TO LT. GEN. RICHARD L. BOHANNON, M.D.

Mr. LUGAR. Mr. President, I would like to take this opportunity, as the country is focused on the major issues involved in reform of our health care system, to recognize a man who more than 25 years ago made a call to action that could have drastically improved the health care status of Americans and, thus, averted many of the problems we face today.

In 1963, as the Surgeon General of the U.S. Air Force, Lt. Gen. Richard L. Bohannon, M.D., boldly asserted that Americans should take responsibility for their health by staying active and eating right. It is hard to believe that only 30 years ago we did not know that physical activity reduces the risk of heart disease, cancer and many other illnesses. We did not know that watching one's weight through a low-fat diet could reduce reliance on medical visits and prescription drugs to maintain one's health.

As the highest ranking military medical officer at the time, General Bohannon placed his reputation on the line by embracing critical, yet previously unsupported, research by Dr. Ken Cooper, then a colonel in the Air Force. Dr. Cooper's landmark effort to determine the effects of physical activity and lifestyle choices on health promotion and disease prevention paved the way for the wellness movement that followed.

During his service to the Government, Dr. Bohannon was the first official to establish a policy of health promotion and lifestyle modification. Once he retired from military service, he took it a step further and established an organization called the American Running and Fitness Association. I am proud to serve on the board of this nonprofit group of recreational athletes and medical professionals whose



mission is to educate the public about its role in health care, and about an individual's ability to make a positive difference in his or her own health and well-being.

As the health care debate continues in Congress, we must turn our focus to prevention. Encouraging Americans to take personal responsibility for their health through lifestyle choices can dramatically improve our Nation's overall health and lower our health care costs. Corporate America has taken the lead in this area. Case studies show that companies that take their employees health seriously can reap substantial benefits. In a report entitled "The Economic Impact of Employee Health and Fitness," Dr. Robert L. Kaman gives documented examples of savings achieved by employers who have instituted fitness programs:

At Tenneco, the average annual medical claim for a nonexercising male employee was nearly twice that of a male employee who took advantage of the in-house exercise program. With female employees, the average claim was greater than double.

Mesa Petroleum showed that exercisers filed health care claims averaging \$217 per year less than nonexercisers.

A number of employers, including Prudential Insurance and The Travelers, have reported significant reductions in absenteeism by those who exercise regularly. Toronto Life Assurance found that employee turnover was 14 percent lower with fitness participants than nonparticipants.

For every dollar spent on wellness programs, companies are seeing a significant return on their investment: Kennecott Copper Co. saves \$5.78 for every dollar spent, Equitable Life Assurance saves \$5.52 per dollar, and Motorola estimates a savings of \$3 for every dollar outlay.

Substantial cost savings can be achieved by encouraging people to make healthy choices, not to mention the improved quality of life that comes along with it. For these reasons, I hope that we will see a significant emphasis on prevention as we work to develop a comprehensive reform package.

Dr. Bohannon got the ball rolling those many years ago, and while he is currently engaged in his own personal struggle with Lou Gehrig's disease and thus unable to lead the charge at this time, I know that each of my colleagues will consider his strong testament to the power of prevention. Please join me in honoring a great man who has worked indefatigably over the years to improve our Nation's health.

#### INAUGURATION OF MILTON CARVER DAVIS AS PRESIDENT OF ALPHA PHI ALPHA FRATERNITY

Mr. HEFLIN. Mr. President, I want to congratulate Milton Carver Davis,

who was installed as the general president of Alpha Phi Alpha Fraternity, Inc., in January. Milton received his bachelor of science degree at Tuskegee University in 1971 and later attended law school at the University of Iowa. He has also studied at Northwestern University.

Milton Davis' involvement with Alpha Phi Alpha, the first intercollegiate Greek-letter fraternity established for black college students, goes back 25 years, to his undergraduate days at Tuskegee. He has served the fraternity as its Alabama legal adviser; representative to the National Pan Hellenic Council; Legal Counsel for the Southern Region, National General Counsel; a member of the board of directors; cochairman of the Commission on Racial Justice; and chairman of the National Constitution Committee.

Since obtaining his juris doctor degree, Milton has worked diligently not only for Alpha Phi Alpha, but also to establish himself as one of our finest attorneys. He was the assistant attorney general for Alabama from 1974-76. He is a member of the Advisory Committee of the 11th U.S. Circuit Court of Appeals; the Alabama State Board of Examiners; and the American Bar Association. He has been admitted to argue before the U.S. Supreme Court and is presently in private practice in Tuskegee.

Alpha Phi Alpha was organized at Cornell University in 1906, and has grown steadily throughout the years. It integrated its membership in 1945 and has expanded to the extent that there are now approximately 700 chapters located in the United States and the rest of the world, including Africa and Asia.

Alpha Phi Alpha's 150,000 members have included leaders like Dr. Martin Luther King, Jr.; Dr. W.E.B. DuBois; Duke Ellington; Vice President Hubert Humphrey; Health and Human Services Secretary Louis Sullivan; Supreme Court Justice Thurgood Marshall; and Senator Edward Brooke. From these names, it is obvious that this fraternity has a long and distinguished history of involvement, achievement, and leadership in civil and human rights efforts. During the past five years, Alpha Phi Alpha has given over \$1 million to benefit the NAACP, the United Negro College Fund, and the National Urban League. Each year, its five regions conduct Leadership Development/Citizenship Education Institutes, which train outstanding high school students in important leadership skills.

Mr. President, with Milton Carver Davis at its helm, Alpha Phi Alpha cannot help but continue to grow, prosper, and mold young men into leaders of the future. I congratulate him and wish him all the best for what I know will be a highly successful tenure as its 29th general president.

#### INDIAN SPRINGS SCHOOL—40TH ANNIVERSARY

Mr. HEFLIN. Mr. President, I am proud to recognize a prominent academic institution in my State, Indian Springs School, upon the occasion of its 40th anniversary. At a time when the quality of secondary American education, both public and private, is being intensely scrutinized, Indian Springs stands out—in every sense of the term—as a true educational success story.

Indian Springs School is a special place, set apart by an attitude among students and faculty that new people and new ideas are welcome. Both groups, many of whom live on the school's campus, look forward each year to the addition of new faces representing diverse places, unique experiences, and fresh ideas which can be shared and developed. Indeed, its tremendous diversity is arguably Indian Springs' greatest asset.

Administrators of this beautiful campus of roughly 250 students say, ironically, that individualism is the driving force making Indian Springs a total community. This seeming contradiction stems from the fact that personal freedom—to dress differently, to have different interests, to hold different beliefs—is cherished by everyone at Indian Springs. The shared concern for individual rights—so often absent in an educational setting like Indian Springs—binds this community together in a very special way.

Another unique aspect of the Indian Springs environment is its governing structure. Its government is not so much student government as it is community government. Students and faculty serve together on committees that oversee the functioning of all aspects of campus life. The population is small enough for everyone to gather for real town meetings where, in keeping with the New England tradition and the spirit of Indian Springs, every individual has an equal opportunity to express his or her views.

Indian Springs School was founded in 1952 under the provisions of the will of Birmingham industrialist Harvey G. Woodward. Originally an all-boys' school, it became coeducational in 1975. Located on a 350-acre wooded campus 15 miles south of Birmingham, Indian Springs is adjacent to Oak Mountain State Park, surrounded by lakes, hiking trails, and camping sites.

Indian Springs is accredited by the Southern Association of Colleges and Schools and approved by the Alabama Department of Education. It is a member of the National Association of Independent Schools, the Secondary School Admission Test Board, and the Council for Advancement and Support of Education. All members of the 1992 graduating class enrolled in colleges, including Columbia, Davidson, Rice, the University of the South, Vanderbilt,

and institutions throughout the State of Alabama.

Mr. President, as we strive for answers to the educational difficulties our Nation faces, we can look enthusiastically to Alabama's Indian Springs School. At this unique institution, the academic curriculum is a vehicle for learning how to question, how to understand, and how to develop the discernment necessary to form opinions and evaluate ideas, learning which is important not only to success in college, but in life as well. At Indian Springs, the academic program is only one of several overlapping challenges designed to inspire students to make the most of all their time and talents, inspiration that must increasingly be the goal of all educational enterprises if we are to meet the challenges of the future.

I commend Indian Springs School for standing as a shining example of the quality educational environment we as a society can foster and of which we can be justly proud. Congratulations on 40 years of pure excellence.

#### FRED LEE'S SELECTION AS ALABAMA'S SMALL BUSINESS PERSON OF THE YEAR

Mr. HEFLIN. Mr. President, I am proud to congratulate a neighbor, Fred Lee, for his selection as Alabama's Small Business Person of the Year by the U.S. Small Business Administration. Fred is one of the Muscle Shoals area's most successful business leaders. In fact, his selection as the first-ever Shoals Small Business Person of the Year award last year made Fred eligible for the State award, which now puts him in the running for the SBA's national title, to be given during Small Business Week, May 9-15.

Fred Lee is not only an astute and shrewd businessman; like so many of our fine business leaders, he actively uses his time and influence to make life better for those in his community and state. He is a strong educational advocate in our State, currently serving as vice chairman of the Alabama Commission on Higher Education. I also understand his flair for a certain musical instrument might endear him to the President when they meet at the White House during Small Business Week next month.

Fred Lee and his company, Shoals Ford automobile dealership, are outstanding examples of the caliber of business person and enterprise that typify this area's and Alabama's small business communities. I am proud to commend him for receiving this tremendous honor, and to wish him the very best in the national competition before the SBA. Alabama could not have a more worthy representative.

I ask unanimous consent that an article appearing in the March 20, 1993, edition of the Times Daily on Fred Lee

and his career as a small businessman be printed in the RECORD immediately following my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### LEE STATE'S BUSINESSMAN OF YEAR

(By Carl Cronan)

MUSCLE SHOALS.—Back when he started his career in the automobile sales business, Fred D. Lee Jr. said he noticed his mentor give a large sum of money to a drifter after listening to his hard-luck story.

"When the drifter walked out, I asked him, 'Why did you give him that money? You know you're never going to get it back,'" Lee recalled. "And he said, 'Fred, when you go into business in a community, you're taking something out of that community, and the community cannot exist and cannot thrive unless you put something back into it.' I took him very seriously when he said that."

The philosophy Lee inherited helped him build one of the Shoals area's most successful car dealerships, and also led to his recognition as the Alabama Small Business Person of the Year by the U.S. Small Business Administration.

Lee, who won the first-ever Shoals Small Business Person of the Year award last October to become eligible for the state award, is now in the running for the SBA's national title. He and other state recipients will attend Small Business Week ceremonies in Washington the week of May 9-15.

"It's indeed an honor to be recognized for doing something that I thought I was supposed to be doing anyway," Lee said in accepting the honor during a news conference at Shoals Ford in Muscle Shoals.

#### LEE AMONG "STRONG NOMINEES"

James Barksdale, director of the state SBA office in Birmingham, said Lee was among several "very strong nominees" considered by the Alabama Small Business Advisory Council for this year's award.

"The selection rested primarily on contributions back to the community," Barksdale said. Other criteria include staying power, response to adversity and financial stability, he said.

Lee is known throughout the Shoals both for donating time and money to the area and leading fund-raising efforts. His dealership has used Christmas party money to adopt needy families, and he has been active in the American Heart Association and United Way of the Shoals.

Barksdale pointed out that Lee was selected for the local award at large by members of the Chamber of Commerce of the Shoals, saying he knows of no other chamber that chooses its winner in that fashion.

Bill Hunt, chairman of the chamber's Small Business Committee last year, said the competition for the first Shoals Small Business Person of the Year award was tough.

"We have a lot of good small businesses in the community," Hunt said.

Along with the state small business award, U.S. Rep. Bud Cramer, D-Ala., of Huntsville, presented Lee with a framed copy of the Congressional Record in which Cramer paid tribute to Lee for winning the award.

"He is a talented and caring person, and that comes through."

"That's a side of you that shines very strongly," Cramer told Lee during the presentation.

#### FORD DEALERSHIP OVERCAME ODDS

Lee, a native of Tallahassee, Fla., spent 16 years in sales before taking over Shoals Ford in March 1986.

The Woodward Avenue business became one of the best Ford lots in the country.

Shoals Ford has about 50 employees, who Lee credited as being "the life blood of this business."

In addition to being a successful businessman and a talented musician, Lee serves as vice chairman of the Alabama Commission on Higher Education.

He called on local businesses and the political establishment to work together with the education sector, including teachers and parents, to make improvements to Shoals area schools.

"I'm a firm believer in education, and the improvements that we need in this state are monumental, but we can do it," Lee said.

"We have to join hands across ethnic lines and socioeconomic lines in order to move our community forward," he said.

"I believe that, and I'm doing the very best I can with what little I have to work with to do my share."

Lee will be among the guests at a special Rose Garden reception at the White House hosted by President Clinton during the national observance of Small Business Week.

"I don't know who else will be there," Barksdale said, "but we will have two saxophone players in the garden that day."

Lee said he will do a little promotional work for the Shoals during his visit to the nation's capital.

"I've said before that Northwest Alabama is probably one of the best-kept secrets in the United States," he said.

"I think the word is getting out, and won't be a well-kept secret anymore if I get my big mouth up in Washington talking about it."

#### A MINNESOTA PLAN FOR KOSOVO

Mr. DURENBERGER. Mr. President, we are all well aware of the horrors taking place in the former Yugoslavia as part of the ongoing conflict in Bosnia and Herzegovina and Croatia. Not a day passes in which we are not reminded of the terrible human tragedy taking place in this region. And while the United States and the world community have been uncertain about how best to proceed with the ongoing war, we must look now at ways to prevent this conflict from turning into a wider Balkan war.

Tensions between the Albanian majority and Serb minority in the province of Kosovo are increasingly volatile and present the very real threat of erupting into a violent conflict. The challenge for the international community is to develop a strategy which can prevent the situation in Kosovo from deteriorating further.

Minnesota Advocates for Human Rights, an independent organization of lawyers and other advocates committed to the impartial promotion and protection of international human rights, recognized the importance of addressing the situation in Kosovo. Several months ago, they initiated the Kosovo project, compiling information on the situation in Kosovo and preparing a series of recommendations.

Minnesota Advocates organized volunteers from various backgrounds into a working group, which met twice to



discuss information and consider possible recommendations. The volunteers also worked independently and in smaller groups to address issues relating to diplomacy, intervention, refugees, and war crimes. At the conclusion of the final meeting, the working group approved the preparation of the group's recommendations regarding the situation in Kosovo and addressing the broader issues of refugees and war crimes.

In the resulting document, "The Minnesota Plan: Recommendations for Preventing Gross Human Rights Violations in Kosovo," Minnesota Advocates for Human Rights presents a series of recommendations for discussion by the public and national and international policymakers. Included in the plan are recommendations for increased monitoring of human rights in Kosovo, support of independent and objective media within Serbia, and increased public attention on the situation in Kosovo.

Mr. President, at the appropriate time, Senator WELLSTONE and I will ask unanimous consent that the complete text of "The Minnesota Plan" be printed in the RECORD.

I am extremely grateful to Minnesota Advocates for the leadership they have shown in drawing our attention to this situation. I especially wish to express my gratitude to Barbara Frey, executive director of Minnesota Advocates, and Elizabeth Bruch, who coordinated the Kosovo project, as well as the many Minnesotans who participated in the working group.

Mr. President, the international community was caught unprepared for the level of conflict in Bosnia and Herzegovina. We must not make the same mistake twice. We must begin to address this matter, and must do so immediately.

I urge my colleagues, as well as appropriate officials in the Clinton administration, to seriously study the recommendations of Minnesota Advocates as together we seek ways to address the tenuous situation in the Balkans.

Thank you, Mr. President. At this time, I would like to yield to my colleague from Minnesota.

#### RECOMMENDATIONS FOR PREVENTING GROSS HUMAN RIGHTS VIOLATIONS IN KOSOVO FROM THE MINNESOTA ADVOCATES FOR HUMAN RIGHTS

Mr. WELLSTONE. Mr. President, I thank my senior colleague from Minnesota, Senator DURENBERGER, for yielding to me. As he has described, the Minnesota Advocates for Human Rights, an independent organization of lawyers and other advocates committed to the impartial protection of internationally recognized human rights, has in recent months conducted a policy study which has resulted in a set of recommendations for Western policy with respect to human rights in

Kosovo. I would like to share with my colleagues a trip report and the recommendations which have emerged from this study.

Several months ago, the Minnesota Advocates for Human Rights established a working group on Kosovo, and began a broad and impressive process of consultation that included not just experts on foreign policy and international human rights in the United States and abroad, but also ordinary Minnesotans. Experts or laypeople, all participants shared a common commitment to a progressive American foreign policy toward Kosovo based upon respect for human rights. The project also included a mission to Kosovo, during which participants tested their recommendations against the facts on the ground, giving them further depth and texture. They consulted with a large number of governmental and non-governmental officials in Kosovo before returning to the United States to refine their recommendations further.

In the face of the shocking and horrifying violence in the former Yugoslavia which continues rightly to hold the attention of American and Western policymakers, a related and equally tragic situation is developing in Kosovo, where the repression of ethnic Albanians is severe and the potential for a widening of the conflict is growing. I believe these thoughtful recommendations will make an important contribution to the debate on Western policy toward Kosovo, and urge your consideration of their views.

I commend the Minnesota Advocates for their initiative, and for their passionate and sustained commitment to the protection of human rights around the world. I want to especially commend the staff of the Minnesota Advocates who have worked on this project, including Jim Coy, Art Beeman, Elizabeth Bruch, Nancy Arnison, Peggy Hicks, and its executive director, Barb Frey, and all those who participated in the months-long consultative process from which emerged these important recommendations.

I ask unanimous consent that the entire text of the mission report and the recommendations of the working group on Kosovo be included in the RECORD following my statement, and I urge my colleagues' attention to both of these documents.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

#### THE MINNESOTA PLAN: RECOMMENDATIONS FOR PREVENTING GROSS HUMAN RIGHTS VIOLATIONS IN KOSOVO

(By Minnesota Advocates for Human Rights, April 1993)

##### I. INTRODUCTION

The international community has been shocked and horrified at the violence and complexity of the conflict throughout the former Yugoslavia. While conditions in Croatia and Bosnia-Herzegovina have deservedly

received extensive media and public attention, there has been less focus on the volatile situation in Kosovo where the repression of ethnic Albanians is severe and the potential for widespread conflict is great. Any armed conflict in Kosovo could quickly escalate into international violence, potentially involving Albania, Bulgaria, Greece, Turkey and other nations. It is critical that the international community move beyond a defensive and reactive posture and begin to act affirmatively not only to end the current conflict in Bosnia-Herzegovina, but also to prevent further conflict and grave violations of human rights in Kosovo.

Both the causes and the potential solutions of the conflicts in Kosovo and in Bosnia-Herzegovina are fundamentally interconnected. The quest for a "Greater Serbia" underlies both conflicts and is manifest in the "ethnic cleansing" in Bosnia-Herzegovina and in the escalating persecution of ethnic Albanian Kosovars. The response of the international community to the conflict in Bosnia-Herzegovina will directly affect the situation in Kosovo. Thus far, the world's response has failed to deter Serbian aggression. Should this continue to be the case, ethnic cleansing will succeed horribly not only in Bosnia-Herzegovina but in Kosovo as well. If, however, the world community stiffens its resolve to confront the aggression in Bosnia-Herzegovina, then it may well spare Kosovo a similar fate.

In addition to addressing the situation in Bosnia-Herzegovina, there are specific actions that can be taken now relative to the human rights situation in Kosovo. Minnesota Advocates recommends that the international community, particularly the United Nations, implement a progression of steps to protect human rights and prevent an escalation of the conflict in Kosovo. Minnesota Advocates recommends these steps for the purpose of safeguarding human rights in Kosovo and does not advocate any particular political outcome or future legal status for Kosovo. While all efforts should be made to obtain Serbia's cooperation and compliance with the actions recommended, current indications suggest that Serbia is unlikely to comply voluntarily with recommendations from the international community. Thus, the international community must be prepared to act decisively with or without Serbia's compliance.

In the attached recommendations, Minnesota Advocates for Human Rights urges the international community to consider taking the following steps to address the human rights situation in Kosovo. First, there should be increased monitoring of human rights. In addition, the United Nations or other appropriate organization should convene direct negotiations between the Serbian government and representatives of the Albanian population of Kosovo. The United Nations should seek autonomy for Kosovo including the removal of Serbian forces, protection of group rights for Serbs and other minorities in Kosovo, fair elections and an interim police force of U.N. peacekeepers. If Serbia does not grant Kosovo autonomy, the Security Council should request that Serbia voluntarily place Kosovo under the United Nations trusteeship system. If Serbia refuses to take either of these actions, the Security Council should recognize the situation in Kosovo as a threat to international peace and security and should declare Kosovo a safe haven and protect the residents of Kosovo by all necessary measures. Finally, the international community should work to deter further Serbian

aggression through the support of independent and objective media within Serbia, increased public attention on the situation in Kosovo and the aggressive prosecution of war crimes and crimes against humanity committed throughout the former Yugoslavia.

#### Background

Using the authority of the federal government, the Serbs have suspended local government, imposed a military state and flagrantly violate basic human rights with impunity in Kosovo. Kosovo, an "autonomous" province of Yugoslavia from 1974 until the 1989 revocation of that status, has long been the site of ethnic conflict between the 90% ethnic Albanian majority and the minority Serbs. Serbs consider Kosovo to contain the "soul" of Serbia, and Serbian President Slobodan Milosevic began his climb to power by arousing Serbian sentiment against the Albanian Kosovars. Milosevic provoked mass demonstrations by ethnic Albanians when he revoked Kosovo's autonomous status after he came to power. Serbian authorities responded with violent crackdowns and a pattern of increasing discrimination and violence against the Albanian Kosovars.

Ethnic Albanian leaders have been illegally detained, beaten, tortured and killed; the ethnic Albanian population is regularly subjected to police harassment, discrimination and abuse. Serbian officials have closed Albanian language schools and fired virtually all ethnic Albanian professors and other professionals at Pristina University. Over 100,000 ethnic Albanians in government, business, the media, education and medicine have been dismissed from their positions and replaced with Serbs. A "shadow" society—including an elected government and basic medical and educational services—has emerged as the result of the Serbs' deliberate campaign to marginalize the ethnic Albanian population. Tensions are high and widespread violence has thus far been avoided largely due to the ethnic Albanian leadership's commitment to non-violence.

#### II. RECOMMENDATIONS

##### Human rights monitoring

1. The United Nations Security Council should take all possible steps to establish a U.N. observer mission in Kosovo and ensure that the mission includes an adequate number of human rights fact-finders with the qualifications and resources necessary to document and report on human rights abuses and to act as a deterrent to further violations. The Security Council should coordinate these efforts with the monitors from the Conference on Security and Cooperation in Europe (CSCE) who are stationed in Kosovo. In addition, the Special Rapporteur on former Yugoslavia should focus greater attention on Kosovo. The international community should support local credible human rights monitors.

Comments: The United Nations Commission on Human Rights has "invite[d] the Security Council to consider establishing a United Nations observer mission, in coordination with the Special Rapporteur and the Conference on Security and Cooperation in Europe and its missions of long duration, to be deployed as soon as possible to investigate and report alleged human rights violations in Kosovo, Sandjak and Vojvodina." The Commission has also extended the mandate of the Special Rapporteur for one year and requested that he continue his efforts "especially in carrying out such further missions in Serbia and other parts of the former Yugoslavia as he deems necessary."

These actions by the Commission are a valuable step in increasing the commitment of the international community to prevent further human rights violations in Kosovo. Moreover, the work of the Special Rapporteur and the CSCE monitors has been instrumental in drawing attention to and reporting on the situation in Kosovo. However, additional steps must be taken. The CSCE should clarify the mandate of the current monitors regarding "promot[ing] solutions to [the violations of human rights and fundamental freedoms]" and the monitors should take affirmative action to implement their mandate more effectively. International monitors stationed in Kosovo should work cooperatively with local credible human rights organizations.

##### Direct negotiations

2. A conference involving representatives of the Serbian government and representatives of the Albanian population of Kosovo should be convened as soon as possible under the auspices of the United Nations, the CSCE, or the European Community to discuss peaceful resolution of the ethnic violence and massive human rights violations taking place in Kosovo.

Comments: This conference should be held irrespective of the progress of the peace process in Bosnia-Herzegovina. The attempt to draw the parties into direct negotiation in a neutral forum is critical to clarifying their diplomatic positions regarding Kosovo. Representatives of the Albanian Kosovars should be selected by the Coordinating Council of Albanian political parties. The conference might also include representatives of neighboring governments and other interested parties, such as Greece, Russia, Turkey, and the United States.

##### Autonomy

3. The United Nations Security Council should declare its intent to refuse to recognize the Serbian government as the successor to Yugoslavia in the United Nations and should urge Member States to withhold recognition of Serbia until the province of Kosovo is granted autonomy. At a minimum, autonomy would require that the Serbian government: (1) stop human rights violations in Kosovo, including arbitrary detention, torture, inhuman treatment and arbitrary killings; (2) remove all Serbian and Yugoslav military forces, including paramilitary forces, from Kosovo; (3) restore Albanian Kosovars to their former professional and public positions; (4) stop resettling Serbs into Kosovo; (5) reopen all educational opportunities for Albanian Kosovars; and (6) rescind all facially discriminatory laws.

As a condition of autonomy, the Kosovo provincial government must agree to: (1) abide by international norms regarding minority rights, including provision of proportional representation for ethnic Serbs in the Kosovo provincial government; (2) allow United Nations monitoring of Kosovo to ensure compliance with international standards regarding minority rights; and (3) hold free and fair elections within one year of the withdrawal of Serbian and Yugoslav National forces from Kosovo.

The United Nations should provide peacekeepers to police Kosovo until elections are held. There should be no arming of Kosovars during this interim period.

Comments: Additional conditions may be added as part of the negotiation process. For example, economic incentives might be offered to Serbia or the Kosovo provincial government could agree to forego prosecution of members of the Yugoslav National Army (ex-

cluding paramilitary or terrorist groups) for violations of derogable rights in Kosovo which occur prior to the Security Council's declaration on recognition of the Serbian government as the successor to Yugoslavia in the United Nations. However, at a minimum, the conditions listed in the recommendation should be agreed to by the parties. In addition, neither party should engage in behavior which is fundamentally inconsistent with the concept of Kosovar autonomy. For example, the Serbian government should not use loyalty oaths or any other pretext as a basis for dismissing Albanians from their jobs. The prohibition of government-sponsored resettlement should not preclude necessary refugee resettlement from other areas of the former Yugoslavia.

##### Trusteeship

4. If the Serbian government does not agree to grant autonomy to Kosovo by September 1993 as described above, or in the event of an escalating pattern of gross violations of human rights and fundamental freedoms, the United Nations Security Council should call for the Serbian government voluntarily to place Kosovo under the Trusteeship system governed by Articles 75-91 of the United Nations Charter. Designation of Kosovo as a trust territory would not predetermine a particular legal status for the region in the future.

Comments: Alternatively, a trusteeship agreement could be the outcome of the direct negotiations recommended above. In either case, the recommendations envision a new use of the trusteeship system. The trusteeship system, established first at the League of Nations mandate system and later modified and embodied in Articles 75-91 of the United Nations Charter, gives temporary control of territory to the trustee for the benefit of the people in the territory. The objectives of the system as described in the Charter are to further international peace and security, to promote progressive development toward self-government or independence as appropriate to the particular circumstances, to encourage respect for human rights and fundamental freedoms, and to ensure equal treatment in social, economic, and commercial matters for U.N. member states and their nationals. The system has been used only for colonies, and for territories which as a consequence of World War I had ceased to be under the sovereignty of the States that formerly governed them and which were not yet prepared for self-government. Only one territory, Palau, remains under trusteeship.

Under the system recommended above, the trusteeship system of the United Nations would be used in a new, but not inconsistent, manner. The trust territory of Kosovo could be administered by the United Nations acting through the Trusteeship Council in a manner agreed to by the concerned parties. In addition, Kosovo could be designated a "strategic area" under the trusteeship agreement which would place the region under the direct jurisdiction of the Security Council. Kosovo's status at the termination of the trusteeship would be the focus of negotiations and planning under the oversight of the Security Council and the Trusteeship Council.

A specific timeline is provided for the implementation of this recommendation for several reasons. First, the current level of repression of ethnic Albanians and others in Kosovo is unacceptable. Second, continuation of the status quo favors the Serbian government by rewarding aggression and providing further opportunity for consolida-



tion of Serbian gains. Finally, the risk of escalation of the conflict increases as time passes without a satisfactory resolution.

#### *Additional measures*

5. The Security Council should further resolve that if the Serbian government refuses to place Kosovo under Trusteeship after failing to grant autonomy or escalating the pattern of gross human rights violations, the situation in Kosovo will be deemed a "threat to international peace and security." In this event, the Security Council should declare Kosovo a safe haven and provide protection for residents of the province by all necessary measures.

Comments: Chapter VII of the U.N. Charter authorizes the Security Council to determine the existence of a threat to international peace and security. The Security Council may then decide what measures the U.N. and its member governments should take to prevent aggravation of the situation. Actions may include, for example, diplomatic measures, economic sanctions, and the use of force.

The Security Council now recognizes that massive human rights abuses and the displacement of large numbers of people may constitute threats to international peace and security. In the post-Cold War period, the Security Council has begun to use its powers under Chapter VII in regard to Iraqi attacks on the Kurds in northern Iraq, the refusal of the Khmer Rouge to cooperate with the peace settlement in Cambodia, and the difficult situations in Somalia and Bosnia-Herzegovina. Actions have included economic sanctions, military embargoes, protective zones, and the deployment of military forces.

The use of force should be a last resort after other measures fail or clearly would fail. Any decision to use force should be made collectively by the Security Council and the use of force should be necessary, proportionate and limited to the humanitarian purposes of protecting the vulnerable population. The Security Council should regularly assess the appropriateness of any enforcement measures.

#### *Minority rights*

6. The provincial government of Kosovo must guarantee minority rights for non-Albanians in the province as set forth by the United Nations, CSCE and the Council of Europe. Each minority must be allowed effective participation in government and equal access to public services as guaranteed in Article 21 of the Universal Declaration of Human Rights. The government of Kosovo must also permit United Nations monitoring to ensure compliance with international standards regarding minority rights.

#### *Communications*

7. The United Nations should provide support for independent and objective media within Serbia. The international community should use radio, television and written communications to provide accurate information to the Serbian population.

Comments: Because the Serbian war effort requires at least some measure of Serbian public support, it is important that the general Serbian public be informed of atrocities committed by Serbs against other ethnic groups. The Special Rapporteur for the former Yugoslavia has urged the establishment of an independent information agency "to counteract the dissemination of hatred among the population . . . disseminate objective information and . . . encourage the creation of mutual confidence between national and religious communities."

8. Every effort must be made to increase world attention to the situation in Kosovo and to maximize the opportunity for Kosovars to communicate with the outside world. The international community should support and consult locally based fact-finders and fact-finding organizations.

Comments: These efforts should include providing access to international standards, resources and training where appropriate.

#### *War crimes*

9. The United Nations should aggressively pursue the investigation and prosecution of war crimes, crimes against humanity, crimes against the peace and gross human rights violations in all regions of former Yugoslavia and the compensation for victims of those crimes. Such prosecution can serve as a deterrent to the commission of similar atrocities in Kosovo.

Comments: In October 1992, the United Nations Security Council established a Commission of Experts charged with investigating violations of international humanitarian law in the former Yugoslavia. In February 1993, based on an interim report by the Commission of Experts, the Security Council decided that an international tribunal should be established to prosecute those persons responsible for serious violations of international humanitarian law in the former Yugoslavia since 1991. The Security Council should take appropriate steps to implement this decision as expeditiously as possible.

The investigation and prosecution of war crimes in all regions of the former Yugoslavia, particularly in Bosnia-Herzegovina, should have a deterrent effect on the persecution of war crimes could impede the current negotiation process regarding Bosnia-Herzegovina and any negotiations regarding Kosovo.

### KOSOVO MISSION REPORT

#### INTRODUCTION

In order to test the recommendations drafted by the Working Group on Kosovo,<sup>1</sup> the Minnesota Advocates for Human Rights sent a delegation to Kosovo during the first week of March 1993. The delegation consisted of Peggy Hicks, Clinical Professor at the University of Minnesota, and James Coy, a Minnesota Advocates staff member. In Pristina, the capital of Kosovo, Ms. Hicks and Mr. Coy met with Serbian government officials, elected leaders of the Albanian Kosovar "shadow" government, representatives of ethnic Albanian human rights organizations, trade union leaders, educators, UNHCR staff, and CSCE human rights monitors. Additionally, the delegation spent one day in Pec, a district capital in Kosovo which has been the focus of recent concern over human rights abuses. In Pec, the delegation interviewed ethnic Albanian political leaders, members of an Albanian Kosovar human rights organization, and CSCE monitors based in Pec and the nearby city of Prizren. The delegation also travelled through Skopje, Macedonia, en route to Kosovo. While in Skopje, the delegation met with representatives of the UNHCR and

CSCE missions to Macedonia and with ethnic Albanians from Kosovo, including a member of the Albanian Kosovar Parliament living in exile.

#### PURPOSE OF MISSION

The mission to Kosovo enabled Minnesota Advocates to meet several objectives. First, the delegation had the opportunity to observe and analyze the human rights situation in Kosovo first-hand. This process allowed Minnesota Advocates to verify the factual foundations for the preliminary recommendations. In particular, the delegation confirmed the credibility of reports by the media and non-governmental organizations of ongoing systematic human rights abuse in Kosovo. At the same time, the mission underscored the complexity of the situation and allowed Minnesota Advocates to better understand the differing perspectives of the parties involved.

Second, the delegation was able to test the preliminary recommendations prepared by the Working Group on Kosovo with Serbian government officials and ethnic Albanian leaders in Kosovo, and with representatives of international organizations involved in the region. These meetings provided insight into the parties' perceptions concerning the recommendations and their differing viewpoints on the human rights situation in Kosovo. In addition, the delegation received useful comments concerning the feasibility of the recommendations. The recommendations have been revised, to reflect the mission's findings.

#### SUMMARY OF MEETINGS

The delegation met with a variety of individuals and institutional representatives in order to elicit a wide range of perspectives concerning the preliminary recommendations. A list detailing the delegation's interviews is attached to this report. The parties interviewed fall into three basic groups: ethnic Albanian Kosovars; Serbian government officials; and international observers. While the views expressed within each group were not monolithic, these groupings provide a convenient basis for summarizing the results of the meetings.

#### *Ethnic Albanian Kosovars*

The views of Albanian Kosovars expressed to the delegation reflected a broad consensus concerning the current human rights situation in Kosovo. While five different Albanian political parties are represented in the "shadow" government, the parties agree on most major issues and have created the Coordinating Council of Albanian Political Parties. Regardless of their party affiliation, virtually all Albanian Kosovars that the delegation met with recognized the Democratic League of Kosovo ("LDK") and its leadership as legitimate representatives of the Albanian Kosovar people. The Albanians uniformly expressed their support for an independent Kosovo and their belief that a return to autonomous status would not protect their interests in the long term. Further, autonomy would require recognition of Serbian rule, a proposition that virtually all ethnic Albanians categorically reject.

For the most part, the Albanian Kosovars consistently supported the detailed recommendations of the Minnesota Advocates. Specifically, they responded positively to Minnesota Advocates' call for increased monitoring of the human rights situation in Kosovo. Indeed, the Albanians seemed willing to endorse any steps which would increase international attention focused on Kosovo. An action plan recently proposed by Ibrahim Rugova, president of the LDK, ex-

<sup>1</sup> The Minnesota Advocates for Human Rights Working Group on Kosovo prepared preliminary recommendations for preventing gross human rights abuses in Kosovo. The recommendations were circulated in February and early March 1993 in the form of a discussion paper entitled "The Minnesota Plan: Recommendations for Preventing Gross Human Rights Violations in Kosovo." Based upon comments received on the discussion paper, the Minnesota Advocates prepared final recommendations in a revised "Minnesota Plan" in April 1993.

pressly calls for the placement of additional CSCE monitors in Kosovo. While agreeing that an international diplomatic conference regarding Kosovo may be helpful, some Albanians expressed concern that the time may not be appropriate for such an initiative. Additionally, the relationship between a Kosovo "all-party conference" and the Vance-Owen negotiations was questioned.

The Albanian Kosovars specifically stated that restoration of autonomous province status to Kosovo would not adequately address the human rights situation in the region for a number of reasons. One concern commonly voiced was that since Serbia had once before rescinded Kosovo's autonomy, there was no guarantee that history would not repeat itself. Some Albanians also pointed out that in 1974 Kosovo had been an autonomous province of a truly federal Yugoslav state and that autonomy within today's "Yugoslavia" (Serbia and Montenegro) would be an entirely different, and less desirable, situation. Despite these problems, the Albanians were willing to accept autonomy as an interim step on the road to self-determination. Albanian Kosovars agreed to "whatever guarantees are necessary" to protect the rights of minorities, including the Serbian minority, in an autonomous, or independent, Kosovo. One Albanian put the point more personally: he stated that he would rather his own son were killed than that a single member of the Serbian minority suffered abuse at the hands of the Albanian majority.

Ethnic Albanians are quite supportive of the concept of U.N. trusteeship for the region. The LDK action plan explicitly demands that Kosovo be established as a United Nations protectorate and that U.N. peace-keeping forces be deployed in Kosovo. Other ethnic Albanians who met with the delegation also supported direct intervention of U.N. forces in Kosovo. The Albanian Kosovars stressed that they were willing to accept any degree of international involvement in the affairs of Kosovo if Serbian control over the territory was eliminated.

While ethnic Albanians believed that accurate and objective news media could serve a vital role in Serbia, they voiced skepticism concerning whether foreign efforts to disrupt or influence Serbian media could be effective. They noted that only Serbian-based information would be considered credible by the Serbian population. Most ethnic Albanians interviewed by the delegation endorsed the concept of a war crimes tribunal, but some questioned the effect it would have on preventing human rights abuse in Kosovo. Others argued that a war crimes tribunal should begin work now in Kosovo, claiming that "quiet ethnic cleansing" was already underway.

The delegation also met with three representatives of the Community of Albanians, Serbians, Montenegrins and Others for a United Yugoslavia, a newly-formed political "movement." This meeting was arranged by the Serbian Head of District, who referred to the party as an alternative to the anti-Yugoslav ethnic Albanians led by the LDK. The meeting was held at the Serbian Ministry of Justice offices. The leaders of the new movement are reportedly members of the Serbian Socialist Party. Representatives of the movement claimed that 78 percent of their 60,000 members were Albanians, but this figure admittedly included members throughout Serbia and Montenegro. Other ethnic Albanians were extremely skeptical of the membership figures supplied to the delegation by the movement's representatives. Given that the organization had been formed

only two months earlier, such doubts seem warranted. The views expressed by members of the movement were, not surprisingly, antithetical to the positions presented by the other ethnic Albanians interviewed by the delegation.

#### *Serbian government officials*

The perspectives of Serbian government officials who met with the delegation also demonstrated significant unanimity with the Serbian community concerning Kosovo's current situation. Some Albanian Kosovars mentioned to the delegation that they were aware of Serbians in Kosovo who did not support the Milosevic government's policies in the region, especially given the drastic economic consequences of such policies. They noted, however, that these people could not openly express their opposition to Serbian government policies. All of the delegation's meetings with Serbians were scheduled by government officials. Somewhat predictably, every Serbian interviewed demonstrated whole-hearted support for existing government policies in Kosovo.

The Serbians interviewed were reluctant to admit the existence of any human rights problems in the region. They contended that everyone was treated equally under the laws of Serbia, although they acknowledged that, hypothetically, there could be discrete cases where individual officers or officials acted outside of the law. The Serbian position was that any specific violations of rights that occur can and should be dealt with through existing legal channels. As evidence of their commitment to respecting human rights, the Serbians emphasized their willingness to allow international delegations like the Minnesota Advocates mission to visit the region, conduct interviews, and reach their own conclusions.

Despite their professed amenability to international human rights monitoring, the Serbians opposed the establishment of additional human rights monitors in Kosovo, as recommended by Minnesota Advocates. Instead, the officials stressed their cooperation with the existing CSCE mission, and contended that the mission, as defined in the Memorandum of Understanding between the Serbian government and the CSCE, was completely adequate. This contention is diametrically opposed to the position of ethnic Albanians on the same issue. The conflicting views were summarized by one CSCE representative interviewed by the delegation, who stated that the current CSCE mission was "the maximum the Serbs will agree to, and the minimum the Albanians will accept."

The Serbians contend that the existing Serbian Constitution permits a degree of "autonomy" for ethnic Albanians through local elections. They argue that the current situation simply stems from the Albanians' failure to accept any association with the Serbian state or to acknowledge the legitimacy of Serbian authority in Kosovo. Serbian officials contend that Albanians are engaged in a comprehensive boycott directed against Serbian control, pointing specifically to the Albanian boycott of recent Serbian national elections. Similarly, according to the Serbians, dismissals of Albanians from government, judicial, and academic positions are further evidence of Albanian intransigence. The Serbians argue that the Albanians are dismissed because they refuse to sign oaths acknowledging Serbian control in Kosovo. Were it not for this "boycott," the Serbians contend that the Albanians could now control the provincial legislature in Kosovo. Accordingly, Serbian government

officials do not reject outright some degree of local self-governance in Kosovo; however, autonomy under the conditions recommended by the Minnesota Advocates far exceeds the degree of self-government which the Serbians seem willing to accord to Kosovo.

The Serbian government officials interviewed by the delegation were, not surprisingly, staunchly opposed to any steps which would in any way limit Serbian control of Kosovo. They categorically reject the concept of U.N. trusteeship for Kosovo, even when designation as a trust territory does not predetermine a particular legal status for the region in the future. Any additional measures, including economic sanctions or more direct intervention by the United Nations, would be seen by the Serbians as unconscionable and unwarranted violations of Serbian sovereignty.

#### *International observers*

The delegation met with five representatives of the current nine-member CSCE mission to Kosovo. The Memorandum of Understanding between the CSCE and Serbia which established the CSCE mission calls for expansion of mission staff to twenty, which is consistent with the Minnesota Advocates endorsement of additional human rights monitoring in the region. Representatives of the CSCE who met with the delegation stressed that any solution to the Kosovo situation must occur within the context of the Vance-Owen process. As the CSCE mandate in Kosovo expressly calls for promoting dialogue between Serbian authorities and the Albanian community, CSCE representatives supported further encouragement of direct negotiations among the parties.

CSCE staff expressed the opinion that Serbian intransigence concerning additional autonomy for Kosovo rendered impractical any recommendations requiring Serbian acquiescence. They believe, therefore, that recommendations calling for Serbia voluntarily to grant autonomy or to place Kosovo in trusteeship are unlikely to succeed. Although the consensus seemed to be that neither the Serbians nor the ethnic Albanians wished to push the situation to the breaking point, CSCE staff expressed concern that, given tension in the region, a minor altercation of some sort could serve as a trigger for escalation of the conflict.

#### *FINDINGS AND RECOMMENDATIONS*

The Kosovo Mission provided the delegation with the opportunity to assess the responses of various parties to Minnesota Advocates' recommendations. While the delegation's general conclusions concerning the receptiveness of the Albanian and Serbian communities to the recommendations are not surprising, the consensus with each community which emerged during the delegation's interviews was more striking. The ethnic Albanians interviewed by the delegation almost universally endorsed the LDK's call for an independent Kosovo, or, in the alternative, a U.N. "protectorate" for the region. They were equally united in their rejection of permanently returning Kosovo to autonomous province status, even under the conditions contained in Minnesota Advocates' recommendations. The Albanian Kosovars readily agreed to any additional measures which might secure trusteeship for the region or increase international attention to the Albanians' plight.

In marked contrast, the Serbians presented a united front against any additional steps which might be viewed as recognizing either the existence of human rights abuse in the



region or the need for greater autonomy in Kosovo. They uniformly contended that Serbian laws currently in place provide equal treatment for all and are adequate to ensure the protection of individual rights. The Kosovar Albanians, they suggested, had historically been accorded more rights than any ethnic minority. The Serbians conclude that the problems in Kosovo stem solely from the Albanian's insistence on preferential treatment, and their refusal to acknowledge the legitimacy of Serbian authority.

While it was beyond the scope of the Minnesota Advocates mission to investigate or verify specific reports of human rights violations, it is apparent that a pattern of such violations exists in Kosovo. The Albanian Kosovars the delegation met with provided detailed documentation concerning specific instances of human rights abuse. Many of the meetings included first-hand accounts by the ethnic Albanian leaders of harassment, detention, and physical abuse. The information received by the delegation served to confirm the consistent accounts of other objective human rights groups and international observers concerning the situation in Kosovo.

The delegation proposed several modifications to the preliminary recommendations, based on the mission's findings. These modifications have been incorporated into the final draft of Minnesota Advocates for Human Rights' recommendations for Kosovo. The delegation suggested changing Recommendation No. 1, which calls for additional human rights monitors, to recognize that increased monitoring could occur only with the consent of the Serbian government. The delegation advised that Recommendation No. 2 be revised to advocate direct negotiations, under international auspices, between ethnic Albanians and the Serbian government. These changes reflect the delegation's conclusions concerning the need for discussions to focus specifically on the situation in Kosovo, the need for direct dialogue between the parties, and the importance of international involvement in resolving the conflict. Proposed changes to Recommendation No. 7 address the delegation's finding that direct intervention in Serbian communications would be at best ineffectual, and perhaps even counterproductive. However, the delegation does recommend support for independent and objective media within Serbia to counteract Serbian propaganda.

The most significant changes advocated by the delegation concern Recommendation No. 3, which addresses the issue of autonomy. The original language in the preliminary recommendation called for restoration of Kosovo's previous status as an autonomous province of Yugoslavia. The delegation recognized that the concept of "return" to autonomous status was ambiguous given the parties' differing conceptions of autonomy. Furthermore, the disintegration of the federated state of Yugoslavia means that no true "return" of Kosovo to the status it once held as an autonomous province within the federal republic is possible. Instead, the delegation recommended revising the proposal to clearly define autonomy and the conditions which must be met by each party. Specifically, the delegation suggested adding a requirement for United Nations monitoring of Kosovo to ensure compliance with international standards regarding minority rights.

#### CONCLUSION

Minnesota Advocates' recommendations are designed to prevent an escalation of human rights abuse in Kosovo. As docu-

mented by numerous credible sources and confirmed by the delegation, an ongoing pattern of human rights violations exists in Kosovo. Minnesota Advocates' primary concern is that the situation could deteriorate into open conflict, possibly involving other countries. The parties interviewed by the delegation expressed diverse opinions concerning the potential for armed conflict. While some believed that the ethnic Albanians were raising the specter of open conflict in the region as a ploy to garner international support, others seemed genuinely afraid that the inexplicable brutality which has swept much of former Yugoslavia would reach Kosovo.

In the end, the delegation was left with the impression that, while neither side currently intends to provoke an armed conflict in the region, the potential for escalation of human rights abuse in the region remains unacceptably high. Serbian police, military, and paramilitary forces give Kosovo the feel of a territory under military occupation. The paramilitary presence in the region undermines stability and threatens to spark greater violence. The most notorious paramilitary group, the Tigers, are led by Zeljko Raznjatovic, known as Arkan. Although Serbian government officials assert that Arkan has limited influence in the region, he was recently elected to the Serbian parliament as a representative from Kosovo.

Albanian resistance to Serbian authority might also trigger an escalation in the conflict. While the Albanian leadership has committed to a non-violent struggle for an independent Kosovo, the delegation heard reports of organized resistance in some ethnic Albanian villages to "weapons searches" conducted by the Serbian police. These reports are particularly alarming since any direct confrontation could be used by Serbian authorities as a pretext for full-scale military action.

Although escalation of violence in the region remains a serious concern, the divergent positions of the Serbians and ethnic Albanians seem to leave little for a negotiated resolution to the situation. The successive steps recommended by Minnesota Advocates, however, provide a framework for addressing existing human rights violations and preventing an escalation of human rights abuse in Kosovo. By responding quickly and decisively, the international community has the opportunity to avert further tragedy in the former Yugoslavia.

#### PARTIAL LIST OF ORGANIZATIONS/INDIVIDUALS WHO MET WITH THE KOSOVO DELEGATION

##### MACEDONIA

Catholic Relief Services.  
Macedonia Mission, Conference on Security and Cooperation in Europe (CSCE).  
Member, Kosovar Albanian Parliament.  
Macedonia Representative, Office of the UN High Commissioner for Refugees.

##### KOSOVO

Ethnic Albanian Groups:  
Parliamentarian Party.  
Kosovo Helsinki Committee.  
Democratic League of Kosovo (LDK) (in Pristina and Pec).  
Council for the Defence of Human Rights and Freedoms (in Pristina and Pec).  
Union of Independent Trade Unions.  
Association of Albanian Teachers.  
Community of Albanians, Serbians, Montenegrins, and Others for a United Yugoslavia.  
Serbian Officials:  
Head of Kosovo District.

Rector of the University of Pristina.  
Dean of University of Pristina Law Faculty.  
Chair for Kosovo District, Ministry of Justice.  
District Court Judge.  
International Organizations:  
Kosovo Mission, CSCE (representatives of Pristina, Pec, and Prizren offices).  
Kosovo Representative, Office of the UN High Commissioner for Refugees.

#### TRIBUTE TO DR. KIRK DEIBERT

Mr. HEFLIN. Mr. President, Dr. Kirk Deibert of Florence, AL, the Shoals area's first radiologist, died on March 18 at Florence Hospital. He was a native of Middletown, PA, and graduated from the Temple University Medical School in 1937. A member of the Medical Corps from 1938 to 1942, he served his residency in radiology at Vanderbilt University Medical School and Hospital from 1942 through 1945. After completing his residency, he served at the Institute of Radiology at Washington University and Barnes Hospital in St. Louis for 2 years. In 1947, he became the chief radiologist at the Thayer Veteran's Administration Hospital, serving there for 5 years. He was assistant professor and later associate professor of radiology at Vanderbilt.

Dr. Deibert came to Florence in 1952, becoming the first radiologist in Lauderdale and Colbert Counties. He also provided services to outlying hospitals in Russellville, Red Bay, and Hamilton throughout the 1960's. He eventually became head of the radiology department at Humana Hospital—now Florence Hospital—in 1986. He was a member of the Lauderdale County Medical Society and a fellow of the American College of Radiology, Inter-American College of Radiology, and American-Joslin Diabetes Society. He was also a member of the Roentgen-Ray Society, Radiology Society of North America, and was a life member of the Southern Medical Association.

It is fitting that the health care facility in which Dr. Deibert died last month was actually established through his leadership. He was one of seven people who founded the Colonial Manor Nursing Home, which evolved into Colonial Manor Hospital, which became today's Florence Hospital. In 1987, he and his wife, Lillian, deeded 100 acres to the city of Florence. That same year, the Deiberts' Rolling Acres Farm Foundation was established to ensure that this land would always be used for public recreation.

Dr. Deibert possessed a true concern for other people, and believed in working with others to accomplish tangible things for his community. He never sought front-page news or accolades for his efforts; to him, they were just a part of his duty as a citizen.

I extend my condolences to Lillian and the entire Deibert family in the wake of their tremendous loss. Flor-

ence and the Shoals area are much better off for having had Kirk Diebert as a resident and leader for so many years. He is sorely missed.

#### VISIT OF HER MAJESTY QUEEN SIRIKIT

Mr. ROBB. Mr. President, on behalf of all my colleagues, I am deeply honored to extend a very warm and sincere welcome to Her Majesty Queen Sirikit on the occasion of her royal visit to the United States and to our Nation's Capital.

Her Royal Highness has a well-deserved reputation as a strong advocate of the welfare of the Thai people. Queen Sirikit has helped many of those who are the most vulnerable among us, including children in many countries of the world. She has also taken a personal and prominent role in programs to ease the plight of millions of refugees who sought safety in Thailand when their own countries suffered from severe problems.

Her Royal Highness' work in creating the Foundation for the Promotion of Supplementary Occupations and Related Techniques was a most formidable achievement. This foundation has been highly successful in helping impoverished rural families and the disabled and handicapped citizens of her country to develop their talents as artists and craftsmen, providing a source of supplemental income, and an enterprise that helps promote the traditional culture of the Thai people.

Through her tireless dedication to improving the quality of life for her fellow citizens and preserving the special heritage and rich culture of that nation, Queen Sirikit has earned a very special place in the hearts of her people.

She has earned, as well, the enduring respect of people throughout the world; people who share the fundamental values of human decency, kindness, and compassion that are so clearly reflected in her work. Her courageous lifelong commitment to those values serves as an inspiration for us all.

#### IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at \$4,232,458,084,674.47 as of the close of business on Monday, April 26. Averaged out, every man, woman, and child in America owes a part of this massive debt. That per capita share is \$16,477.75.

#### WASHINGTON WELCOMES TIBET'S TRUE REPRESENTATIVE

Mr. PELL. Mr. President, it was my great honor to host today a Foreign Relations Committee luncheon for His Holiness the 14th Dalai Lama of Tibet.

Most of you have met the Dalai Lama and share my respect for him and support for an end to human rights abuses in Tibet. As friends of Tibet and the Dalai Lama, we have, over the years, welcomed him to Washington as a religious leader, humanitarian, and Nobel Peace Prize Laureate. Along with these other assignments, we welcome the Dalai Lama as Tibet's true representative. There are only three world figures who are both spiritual and temporal heads of state: the Queen of England, the Pope, and the Dalai Lama.

In 1991 the President signed into law, Public Law 102-138, the Congress' recognition of the Dalai Lama and the Tibetan Government in exile as Tibet's true representatives. It is a recognition that is shared by 6 million Tibetans inside Tibet and 100,000 Tibetans in exile.

This past December, with Senator LEVIN, I traveled to Tibet. I will never forget the awesome grandeur of the Tibetan landscape nor the pervasion of the Chinese occupation. The Tibetan capital of Lhasa is now a Chinese city. According to the Dalai Lama, there are 150,000 residents of Lhasa, and only 40,000-50,000 Tibetans. Blocks of bleak Chinese housing have been built over bulldozed Tibetan neighborhoods. The Potala and Norbilinka palaces and the Jokhang Temple stand as anomalies amidst Chinese architecture. The growing Chinese population now rivals the Chinese Army in its threat to Tibet's survival. Whether the movement of Chinese into Tibet is the result of a decreed population transfer policy or not, the effect is the same, and, if it is not curtailed, the Chinese will overtake the Tibetans by sheer numbers. If any doubt this inevitability, they need only look to Manchuria, now completely assimilated into China, and Inner Mongolia where Chinese outnumber Mongolians 18 million to 3 million.

For too many years, the plight of the Tibetans has been disregarded in this country's dealings with China. This is no longer the case. The Chinese expect United States Government representatives to raise this issue, and they are prepared to respond. So far, their response has been to dismiss what is happening in Tibet as an internal matter and not a subject for international debate. The Chinese, however, want United States dollars and are eager to increase economic dealings with the West. It is also clear that the Chinese are sensitive to international criticism on Tibet. And so, Tibet finally may be a significant issue in the diplomacy game and the Dalai Lama a legitimate player.

During his visit to Washington, before his many meetings in Congress, the Dalai Lama met with Under Secretary for Political Affairs, Peter Tarnoff; Assistant Secretary of State for East Asia and Pacific Affairs, Winston Lord; Counselor of the Department of State, Tim Wirth; Secretary of

State, Warren Christopher; President Clinton and Vice President GORE. This is the welcome we, his supporters in Congress, have long believed appropriate, and I commend the Administration for joining us in this warm, and very appropriate, welcome to the Dalai Lama as true representative of the Tibetan people.

#### JIM VALVANO

Mr. HELMS. Mr. President, I hope I can get through these remarks without becoming too emotional.

I am just one of countless thousands of people who lost a dear friend this morning, and I freely acknowledge that it hit me pretty hard personally when the news of Jim Valvano's death came.

To me Jimmy V, as we all knew him, was far more than a popular and well-known sports personality. He was far more than a former coach at North Carolina State University. To me he was one of nature's noblemen. I knew him pretty well and I will explain why I say that in just a moment.

Jimmy V made people happy. He created excitement, pride, enthusiasm, and courage. He had a lot of things going for him. So when he died this morning at age 47 of bone cancer his very valuable life came to an end. He fought the good fight, the gallant fight against bone cancer, but I submit that he established himself as a profile in courage.

I doubt that sports fans will ever forget the Cinderella performance of Jim Valvano's North Carolina State University Basketball Team in 1983. They were called the cardiac kids. Nobody gave the Wolfpack a chance to win the NCAA championship, but they won it—and nobody is going to forget that 1983 team. And nobody is going to forget Jimmy V.

So, it seemed to us that this guy could always achieve the unachievable. There was something special about him. Even during his bout with malignancy, he fought it with the same verve and determination with which he coached, with which he did everything every day of his life. And to watch Jimmy V appear before crowds to encourage them to have faith, we sensed that we were seeing the ultimate in grace and courage at a time when he was bound to have been under great physical pain. It was almost unbelievable—and, yes, I wept as I watched and heard him.

Jim Valvano did not sit back and say, well, the end is inevitable. He worked tirelessly to make Americans aware of the need to bring cancer into the forefront of medical research inasmuch as it is going to kill more Americans—526,000 of them this year alone—than any other disease except heart disease.

He teamed up with the ESPN sports network and established what they call



the Jimmy V Foundation for Cancer Research to fulfill the dream that one day this deadly killer can and will be conquered.

But let me get back to 1983 when the Wolfpack of N.C. State University won the NCAA championship. I called the White House about 7:30 the following morning, I asked to speak to President Reagan. They put me through to his private quarters. He came on the line, chuckling and saying, "Yes, I saw the game last night, Jesse. Invite them up."

President Reagan knew what I was calling about. He knew that I wanted him to invite the Wolfpack Basketball Team of N.C. State University to come and see him. So I did and he did. But a strange thing happened. The NCAA ruled that year that neither the Wolfpack nor any other team that had won a championship could travel more than 100 miles from its home campus. I do not know the purpose of the ruling, but the NCAA in its infinite wisdom forbade the national champion basketball team of N.C. State University to come to Washington to be greeted and commended by the President of the United States.

So I called Jim Valvano, and told him about the NCAA ruling. He said, "I already know it. I do understand the NCAA ruling. But I will tell you one thing, Jesse. They can rule against the team going to Washington and sitting down with the President of the United States, but there is no rule, NCAA or otherwise, that says that Jim Valvano has to stay in Raleigh. I am going to come up and see the President of the United States and maybe we can work out a split-screen presentation where the team will be in a television studio in Raleigh and I will be up there with you and the President of the United States."

I said, "Come on. Come on." And he did.

Now, I will never forget the morning he came up to see President Reagan. The people at the White House had lined up four chairs, one for Senator John East of North Carolina, that great Senator, who served in this body with distinction, then JESSE HELMS, then Jim Valvano, and on the end the President of the United States, Ronald Reagan.

We waited a couple of minutes for the President to come, and he came in his genial fashion, shook hands with everybody, and asked, "Coach, is your team in the studio down in Raleigh?" Jimmy V. said, "Yes." The President said: "Why don't we start? But before we start, Coach, is it 'Val-van-oh' or is it 'Val-vhan-oh?' I want to pronounce your name right."

Jimmy V. Coach Valvano said, "It is 'Valvano.' And by the way, Mr. President, is it 'Regan' or 'Reagan'?"

The President laughed heartily. We sat down, and the President talked to

the Wolfpack team gathered in the TV studio in Raleigh. And that was it.

Millions of Americans, not just JESSE HELMS and a few others, drew inspiration from Jimmy V's good humor, his quick wit, his determination, his courage. Not long ago, Jimmy V told us that—and I am quoting him—"The future is unlimited if you believe. If you believe, in that one concept, you can make a difference."

That is what he said, that is what he taught his players, that is what he emphasized everywhere he went throughout his life. He did make a difference, and as a result a lot of other people made a difference. They made a difference in the NCAA finals in 1983. You'd better believe it! Whether it was in providing excitement on a basketball court for millions of people watching on television or raising money for cancer research or motivating all of us to believe in ourselves and in our dreams, he touched our lives.

If you conclude that I shall miss him and I am sad, I shall and I am. I will never forget back in the first part of March—I think it was March 4—when Jimmy V received the Arthur Ashe Award for Courage. And what do you reckon he said on that occasion? He stood before that crowd and said:

"Cancer can take away all of my physical abilities, but it cannot touch my mind. It cannot touch my heart. And it cannot touch my soul. Those three things are going to carry on forever."

That enormous crowd stood up and wept and gave him what was one of his last standing ovations.

So, without a doubt, the inspiration and legacy of Jimmy V, Jim Valvano, former coach of the N.C. State University Wolfpack, all of this will carry on in our minds and in our hearts and in our souls as well.

Yes, Mr. President, I am going to miss him, and so will millions of others. If I have one prayer in being thankful for Jimmy V, it would be that all of us might have the courage and the integrity of this man, whom we lost this morning at age 47.

Mr. President, I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

#### DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

The PRESIDENT pro tempore. Under the order previously entered, the Senate will now resume consideration of S. 171, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 171) to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential

Commission on Improving Environmental Protection, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Specter amendment No. 325, to contain health care costs and increase access to affordable health care.

The PRESIDENT pro tempore. Who seeks recognition?

Mr. GLENN. Mr. President, could the Chair inform us as to what the parliamentary situation is? As I recall, we had 1 hour of debate, evenly divided under the control of myself and Senator ROTH, and a vote at 12 o'clock; is that correct?

The PRESIDENT pro tempore. That is correct.

The chair makes this correction. The Senator from Pennsylvania [Mr. SPECTER] controls the time on the other side.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Pennsylvania.

#### AMENDMENT NO. 325

Mr. SPECTER. Mr. President, an order has been entered allowing 1 hour of debate, equally divided, on my amendment for health care reform. This was introduced yesterday afternoon, a little earlier than this Senator had expected. We had some vacant floor time before the scheduled 3:30 debate, and I tried to use some of that time by putting this amendment in. It continued a little longer than had been anticipated because the Democratic and Republican leaders were at the White House. So we filled some unused time, as the RECORD will show, on questions from the distinguished Senator from South Dakota [Mr. DASCHLE].

The amendment which this Senator has proposed, Mr. President, is a result of longstanding efforts in the health care field for 12 years and 4 months of my tenure in the Senate. I have been on the Appropriations Subcommittee for Health, Human Services, and Education, and have participated in extensive consideration of many, many bills on that subcommittee.

The first health care related legislation which this Senator introduced was back in 1985, which I had commented upon yesterday, on low-birthweight babies, November 21, 1985, S. 1873, the Community-Based Disease Prevention Act of 1985; then a series of bills in 1991, including cosponsorship of the legislation introduced under the chairmanship of Senator CHAFEE. Then this year I introduced two extensive bills on health care, S. 18 on January 21 and S. 631 on March 23, combining legislation which had been introduced by a number of Senators.

I have pressed this issue, Mr. President, because of my view that next to an economic recovery and stimulus, the most important issue facing America is health care reform. On January 21, which was the first legislative day

following the inaugural speech by the new President, I complimented the President for his inaugural speech and expressed the wish that he had been a little more expansive on two subjects—health care reform and an economic recovery.

I immediately wrote to the chairmen of the relevant committees and the majority leader asking for hearings on S. 18, and saying that it seems to this Senator that we ought to move ahead on this subject, whether it was my legislation or not.

I noted in yesterday's RECORD the push I had made last year, in 1992, back in July, offering amendments to a non-related bill. I must do that, and it is with some regret that I have offered this amendment on the environmental protection bill, but, as it is well known, every Senator has a right to do that. I offer it on another bill because I am not the majority leader, and I cannot call up health care. So the only recourse I have is to bring up the issue as an amendment. I had intended to offer it earlier on the debt ceiling, and there was a procedural approach there which made that very difficult, almost impossible. And I had tried to put it on the emergency appropriations bill, and it was just when I was on deck with my amendment that the distinguished majority leader changed the order of sequence permitting no more amendments. So this is the first time I have had a chance to offer this amendment.

I offer this, as I elaborated on yesterday, because of a series of events which have made it unlikely that we will take up health care this year: A statement by Congressman ROSTENKOWSKI, which I quoted from the New York Times on March 4; a statement by Congressman GEPHARDT from the New York Times on April 2; the article in the New York Times this past Sunday about States moving ahead because of the absence of Federal action; the ABC news story the night before last which I commented about; and OMB Director Panetta's statement yesterday that he urged President Clinton to delay releasing his health care plan.

This morning's press is filled with more of the same. One of the lead stories at the top of the New York Times today is concerning the health care plan. Headline: Clinton Rules Out Delay in Availing Health Care Plan, but noting in the body of the story that "Congress is unlikely to start work on the health care plan until next year." In a continuation of the New York Times story on page A-14, "As a practical matter, the relevant congressional committees will not be able to get the health-care proposals until they finish the budget."

I think this is very unfortunate, because on April 28, today, there are other matters facing the Congress and the committees. But had the relevant committees taken up this issue when I

wrote to the chairmen of the relevant committees back on January 22, there was adequate time to undertake this very important subject.

The distinguished Senator from West Virginia [Mr. ROCKEFELLER] was on the floor yesterday, and we had a little spirited debate. He said last year, on August 4, that the Congress is a one-man town, a one-person town, referring to the President. I have to disagree with that, Mr. President, and I do so in abbreviated form this morning. I have spoken on it at greater length before. But we are not a one-man town. We have a Senate; we have a House; we have initiatives here. In the 102d Congress, the Senate had 524 bills relating to health care, the House of Representatives had 940 bills relating to health care, for a total of 1,464. As of March 31 of this year, 70 bills were introduced in the Senate and 119 in the House for a total of 189 bills.

The point that I am making, Mr. President, in putting up this amendment, which has been fairly abbreviated in its consideration and its analysis, has been that we are ready to legislate on this subject. We really ought to treat this subject as we treated the Clean Air Act back in 1990. We need a critical mass. We ought to debate this subject and move ahead on it.

The legislation which this Senator introduced, the original S. 631, has a dozen titles and outlines that I will not repeat, as I went over it yesterday. It moves through from managed competition and universal coverage to primary care to provisions on access and provisions on consumer decisionmaking; cooperative agreements between hospitals; patients' rights to decline medical treatment which is up to the patient to decide since nobody should decide that for the patient; insurance simplification and portability; alternative dispute resolution; Medicare preferred provider projects; long-term health care—it is a comprehensive bill to start.

The distinguished majority leader was interviewed on Face the Nation earlier this year, on February 28, 1993. He said something cogent about the bill to legislate now. He said:

The fact of the matter is this is not a new subject. It isn't as though this dropped from Mars onto our desks. We have been debating this for 6 years, 8 years. I've been at this for a very long time. Most Members of Congress have been involved for a very long period of time.

I think what the majority leader said there, what I just quoted, underscores the point that we are ready to move ahead and to decide the kinds of issues which are presented here.

There are a great many items, Mr. President, where there is agreement on insurance market reform, on small group reform, on self-employers to have 100 percent deductibility, on primary and preventive health care, on re-

ducing defensive medicine, on allowing States to form purchasing cooperatives. So the issues which we are considering here are really well known to this body and to the House.

Yesterday we had a fairly extensive discussion on what this bill would cost. Opponents of my amendment have criticized it because there has not been a cost estimate from the Congressional Budget Office. But this Senator has done everything he could to get that.

In the introduction of Senate bill 18, which was back on January 21, 1993, I made an analysis of the costs, the savings, and the extra expenditures. This appears at page 374 of the January 21 CONGRESSIONAL RECORD for the 103d Congress. I said:

While precision is again impossible, it is a reasonable projection that we could achieve under my proposal a net savings of approximately \$82 billion \* \* \*.

And there is a specification about how that was arrived at.

Since yesterday I have found the costing of a couple financing items in my amendment. The financing with respect to repealing the health insurance tax over a 5-year period will generate \$32.9 billion. The revenue from employee exclusion limit over 5 years is \$113.2 billion. The revenue from employer deduction limit over 5 years is \$121.6 billion. This is from the Joint Tax Committee revenue projections on those items.

So it seems to me, Mr. President, that we are prepared to move ahead. I think the American people need to know that we are in a position to legislate and that there is no reason for further delay on the schedule which is now being undertaken by the administration.

I compliment the President for what he is doing, but that should not impede action by the independent U.S. Senate. That is why since 1985 this Senator has been working on these matters and has been pushing hard to present them to the U.S. Senate.

We have ample time to legislate. We miss days in session. We were not in session on Monday. We were not in session some days last week. It is not a secret that we begin our legislative activities Tuesday afternoon, and there is ample time for us to take up this kind of a bill and go through the hard, tough work, which is what we are supposed to do, to legislate on this very, very important subject.

I note my distinguished colleague from South Dakota, the senior Senator, is here.

Mr. PRESSLER. Mr. President, will my friend yield for a question?

Mr. SPECTER. I yield.

Mr. PRESSLER. I noted in this morning's New York Times an article by Thomas Friedman that says that even Congress was unlikely to start work on the health care plan next year.

Now, we had an exchange here on the floor yesterday—and I see my colleague



from South Dakota here—in which I raised the question about when this would come to the floor, and raised the concern that it appeared it would be late this year or next year.

I made a prediction it would not come until next year. I can already hear the discussions that it is an election year and that we should hold off until 1995. That is what the New York Times said this morning and the front page, and confirmed what I said yesterday. And I believe what the Senator said yesterday is that the agenda for this legislation coming here even by the administration's admission will not be until next year.

Mr. SPECTER. I thank my distinguished colleague from South Dakota for that inquiry, and the answer is yes. The New York Times, on the sections which he quoted and this Senator had made an earlier brief reference, is in line with that has been occurring continually this year about predictions that the legislation would not be taken up this year. That is precisely the reason why this Senator is pushing the bill.

Mr. President, how much time remains on this side?

The PRESIDING OFFICER. Fifteen minutes.

Mr. SPECTER. I thank the Chair.

I see the other distinguished Senator from South Dakota on the floor. So I yield at this point.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. GLENN. Mr. President, I yield myself such time as I may use.

#### TIME LIMITATION AGREEMENT

Mr. GLENN. Mr. President, first there is a consent agreement worked out on both sides on the next three amendments.

I ask unanimous consent that following the disposition of the Specter amendment, the following Senators be recognized to offer the following amendments in specified order with no second-degree amendments in order and subject to the following limitations:

No. 1, McCain amendment regarding Indians, 1 hour equally divided; No. 2, Nickles amendment substantially identical to the text of S. 81, regarding economic impact, 2 hours equally divided; No. 3 is a Gorton amendment regarding Commission membership, 40 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I further ask unanimous consent, in addition to the consent agreement that was just agreed to, that no amendments to language that may be stricken be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, with regard to the amendment before us, the Specter amendment, we debated this at

considerable length yesterday afternoon with regard to the cost involved with this if we would pass it. I do not know what the Senator from Pennsylvania would do if we passed this.

Let us say we all got behind this today and really put it through and passed it here and pushed for it over in the House, and so on. What would happen then? There is no money to do anything about it. Someone last night said it is a little like the dog chases the truck and the truck stops. What does he do then?

I am not sure if we passed this bill exactly what would happen, because there is no money hooked up with it. This is about three times our whole defense budget, three or three and a half times. We are talking about the whole health care for this Nation which is running somewhere around \$900 billion a year now by best estimates. We are talking about really big money, about triple our whole defense budget, and talking about passing this thing.

If I came on the floor with a defense budget that was only one third of this, and I said here is the number of squadrons I want, here are the battleships I want, the carriers I want, the airplanes for them, and we want to go back up to two million regular forces again; I want you to pass that, please, but there is no way to pay for it. We have not specified yet. We are not going to raise the taxes. We are not going to raise the income tax rate. We are not going to VAT. We are not going to anything else. What would people think? They just would not think much of that proposal.

I find myself, I must say to my distinguished colleague from Pennsylvania, in the same situation now. Just picking one part of it, we are talking about a refundable tax credit to low- and middle-income individuals without employer provided insurance. With the estimates of numbers of people out there at 37 million who do not have any insurance, and you say that that is going to be a couple thousand a year for each of these people, that comes out to about \$74 billion a year for that one item alone.

If you say you are going to get better coverage or going to need around \$3,000 a year that would be what—\$111 billion I believe that multiplies out to.

We are just ignoring the cost on things. I am not quite sure what would happen. Would the Senator from Pennsylvania respond and tell me exactly what would be the next step on how you pay for this if we all got behind this and pass it?

I do not question there has been an awful lot of thought and study. It was spelled out here on the floor yesterday afternoon about how much time they spent meeting every Thursday morning, I believe, for a couple years, and so on, and thinking about this and putting it together. All you need to do is

read through the title to show there has been a tremendous amount of good thought gone into this. So I do not deprecate that in any shape or form.

We are talking about managed competition, universal coverage, talking preventive care, access to health care for all different classes of income people, talking about consumer decision making, cooperative agreements between hospitals, patients' rights, insurance simplification, portability, malpractice reform, Medicare preferred provider demonstration projects.

I do not take exception to a single one of those things. I think that they are probably very well thought out, except for one thing—that is how do you tote up the bottom line? Who pays the bills?

And so I would ask my distinguished colleague, if we pass this today, let us say we got all the Republicans behind it and all the Democrats behind it on this side, and we said, "Yeah, this is a great idea. It is good, and it does most of the same thing the administration is looking at. But we thought this thing out, and we want to vote for it," and we did that, what would be the next step in trying to implement this?

Because somebody, somewhere, somehow down the line has to deal with the money. We are talking about a \$900 billion industry in this country, and not one item in here about how we are going to pay for it.

So, I repeat, this is a little bit like the dog chasing the truck. If the truck stops, then what are we going to do?

Mr. SPECTER. Mr. President, I would be delighted to respond to the question by my distinguished colleague from Ohio.

Mr. GLENN. Mr. President, I reserve the remainder of my time.

Mr. SPECTER. I believe I am speaking on the time of the Senator from Ohio at this point; am I not?

Mr. GLENN. OK; fine.

Mr. SPECTER. I had addressed that subject in substantial measure in my opening comments, when I referred to the CONGRESSIONAL RECORD of January 21, 1993, at page S 374, with my statement that it was impossible to be precise. "While precision is again impossible, it is a reasonable projection that we could achieve under my proposal a net savings of approximately \$82 billion," and I detailed, in some specificity, how I came to that figure.

When the distinguished Senator from Ohio makes a calculation based on 37 million people who are now not covered, they are not all going to be covered by an income tax credit. There is an analysis in my statement as to how many would be picked up as self-employed, how many would be picked up as a result of insurance market reforms, and a variety of other considerations.

Nobody can rule with mathematical precision. Even the Congressional

Budget Office has to make an estimate. I made the point that if you take a look at the Joint Committee on Taxation repealing the health insurance tax it yields \$32.9 billion over 5 years; and the revenue from the employee exclusion limit yields \$113.2 billion over 5 years; and the savings of revenue from the employer deduction limit, \$121.6 billion over 5 years, those are items which would be figured into the mix.

But I am very pleased to hear the distinguished Senator from Ohio say that he does not take exception to anything in the bill. I think I wrote that down accurately.

Mr. GLENN. No; you did not write that down accurately. I have to correct my distinguished colleague. I did not say I agree with everything in this bill at all. I said the titles of your different sections were very impressive and showed that you had looked at it a lot and thought about it a lot. But I do not sign on to everything in the bill.

Mr. SPECTER. The RECORD will show, Mr. President, what the distinguished Senator from Ohio said. I wrote this down: "Don't take to exception to anything," and I thought the last words were "in the bill." Perhaps we could have the court reporter type that up for us.

But I am not seeking to hold you to any admission.

Mr. GLENN. Just in case there is any misunderstanding out there, I do not agree with everything in this bill, so we can correct that if I misspoke myself.

Mr. SPECTER. I accept that modification.

Mr. GLENN. I reserve the remainder of my time.

I now yield such time as the Senator from South Dakota may require.

Mr. SPECTER. How much time remains on each side?

The PRESIDING OFFICER. Senator SPECTER has 15 minutes and the other side has 12½ minutes.

Mr. DASCHLE. I think the distinguished Senator from Ohio for yielding me some time.

Mr. President, I had the opportunity last night to discuss at some length many of the concerns that a lot of us have with regard to the proposal now pending before the Senate offered by the distinguished Senator from Pennsylvania. Those concerns, just to reiterate, relate primarily to process, not to substance.

I also have similar concerns, as does the Senator from Ohio, about some of the specifics of what the Senator is proposing here, though I do not disagree with the scope of his effort. He recognizes, as most do, that if we are going to deal with health care, the scope of the plan has to be very comprehensive. He recognizes that we have to deal with issues like preventive care, and we have to treat cost containment as the most important goal

of our effort. So I certainly do not challenge his approach with respect to its scope.

What I challenge, in his approach is the process he is using. We talked a little about that last night. Democrats, on occasion, have been criticized by those on the other side of the aisle for not having included the Republicans in our health reform efforts. I hope that is not the case. I hope we can reach out, in a bipartisan way on this matter, as much as possible.

As a matter of fact, I was just told this morning that there will be a session on Friday that will include all Senate Republicans and Democrats, with the First Lady to talk about health care, to talk about the task force proposal, to answer questions about the plan, and to try to begin reaching a consensus on all of the issues to be taken up in a comprehensive health care plan.

That is the kind of bipartisan spirit that I think we ought to see as we approach this very difficult issue.

But how many Republicans and how many Democrats were included in the construction of the pending proposal? How many Democrats were included as it was decided what kinds of managed care systems we would employ? How many Democrats were included when it was considered what kind of preventive care benefits we would have?

I wonder just how many times the author of this proposal reached out to Democrats to find ways with which to come up with a consensus?

Frankly, I do not fault him for what he may or may not have done. But certainly this approach is not going to help us successfully address the concerns raised by the Senator from Pennsylvania.

I also wonder whether it is appropriate to pass something of this scope as wide-ranging as this amendment appears to be, without having consulted either the Labor and Human Resources or the Finance Committee. Those committees are designated with the responsibility of considering very carefully all of the ramifications relating to health care reform. To bypass those committees and go straight to the floor seems to me to be unwarranted and unwise.

I would like to know what the ranking members of those committees think about having been bypassed like that. I would like to know how the myriad of witnesses—who could come forth to give us their views about this bill and who will not be given that chance because not one hour's worth of hearings have been held on this bill—are going to feel about being excluded from that process when the bill goes straight to the floor.

Mr. SPECTER. Will the Senator yield?

Mr. DASCHLE. I will at the end of my statement. I will be happy to yield, as I did last night.

So from that perspective, too, I worry about the process.

If we are going to accomplish something in health care this year, I do not think we have any choice but to try to do it in as bipartisan way as possible, to try to work through the committees, work with Republicans and Democrats, work with our leadership, and work with the White House.

But we are not doing that with this amendment. And I think that presents some serious problems.

As was stated on many occasions last night, we are talking about a 302-page proposal. I must tell you, I daresay there is not one Senator here who can tell you what is in that 302-page proposal, outside of perhaps the sponsor and the cosponsors. We have not had a chance to look at it.

I know it may have been in the RECORD. It may have even been sent to each one of our offices. But if we had to take a pop quiz today about what is in that bill, I guarantee you 90 percent of the Senators would flunk. They would not know what is in it.

We do not know how the bill treats the VA. We do not know how the bill treats preventive care. We do not know how the bill deals with all the complexities of health care, as we should, prior to the time we are called upon to vote up or down on the measure, as I understand we will have to do in just a half hour. That, too, concerns me a good deal.

We are amending a bill to allow the Environmental Protection Agency to become a Cabinet-status agency. And for us to do that, in my view, with all due respect, trivializes the whole issue of health care. It somehow relegates health care to a secondary matter thrown onto a bill having to do with the Environmental Protection Agency.

What kind of statement does that make, by 100 U.S. Senators, about the importance that we place on reforming our health care system and doing it right?

My colleagues on the other side of the aisle have reiterated, on numerous occasions, the need to enact health reform with some haste. But I would reiterate what I said last night. Our colleagues in Pennsylvania are quoted in a newspaper as having said that, to move quickly on health care, to quote GEORGE GEKAS and WILLIAM GOODLING, two Congressmen of high regard—I know them both well—would be "like a speeding train out of control and needs someone to hit the brakes," they say, "to prevent" what they call "a disaster."

That is what they said it would be like if we moved too quickly: It would be "a disaster."

I think in this case to take an amendment of this consequence, 302 pages, to bring it to the floor, to pass it without fully appreciating its ramifications, would be, as they say, a disaster.



One of the other concerns I have has to do with cost. The Senator from Ohio addressed that point. The Senator from Pennsylvania recognized last night we do not have an official estimate of the bill's cost. We have, I am told, an HMO in Pennsylvania that is taken as a model, and from that model are projected cost savings. Of course the Senator acknowledged last night we do not even know what the basic benefits plan would look like because his bill calls for the benefits to be determined by a Federal health board, something to which I subscribe. But if we do not know what the basic benefits plan is, how in the world are we going to be able to determine the costs of this plan?

He expressed frustration last night, for good reason, about CBO's inability to come forth with numbers. I indicated last night I share some of that frustration. But for us to vote on something of this magnitude and not know, within \$30 or \$40 billion, perhaps, what this thing is going to cost may make it subject to a budget point of order. That is something we ought to look into. How can we in good faith vote on something like this without having one agency of the Federal Government examine it and give us a cost estimate? That is not the way to deal with health care. That is not the way to approach an issue of this magnitude.

I would be happy to yield to the Senator from Pennsylvania for a brief question, but first I would like to make one last point. There was some concern expressed by the distinguished senior Senator from South Dakota about the Clinton administration's intentions with regard to health care. He cited an article in the New York Times.

I do not care to read the entire article but I must say the headline is pretty clear. It says, "Clinton Rules Out Delay in Unveiling Health Care Plan."

"Clinton Rules Out Delay in Unveiling Health Care Plan." I do not know how much more unequivocal you can get than that. What we are saying here is that the President has reiterated his determination to move this legislation ahead.

Mr. PRESSLER. Will my colleague yield?

Mr. DASCHLE. And I must say he has reiterated it in a way I think deserves commendation. His effort will include Republicans and Democrats, as the meeting on Friday will prove. It will include the senior Senator from South Dakota, the Senator from Pennsylvania, the Senator from Ohio, every Senator interested in health care.

I will be happy to yield to the Senator from South Dakota.

Mr. PRESSLER. It is true the article says, "Clinton Rules Out Delay in Unveiling Health Care Plan." But I am concerned about getting this thing done and I am not just trying to score debaters' points here. Legislatively,

when will we see this package on the floor? What will be my colleague's prediction?

Mr. DASCHLE. I am not the majority leader, as the Senator knows, but I can say this. The answer to that question relates directly to the degree to which both sides are willing to cooperate.

If the Senator from South Dakota will say "I am not going to obfuscate the health care issue, I am not going to put down obstacles, I want to work together, I want to find a way to resolve these issues in a bipartisan fashion"—if we can say that without any objection on either side, if we can guarantee there will not be filibusters, if we can guarantee we are going to move in good faith, then I say to the Senator from South Dakota there is no reason why we could not do it this summer. Let us do it as quickly as we can but let us not set an arbitrary deadline just to say we are done with it.

We know we have very difficult issues to approach. Those issues are further complicated by partisan bickering. If we delay and bicker about each one of these items in a partisan fashion, then there is no telling when we can pass this bill. But, if we can do it in a constructive way, I share the President's optimism that there is a good opportunity for us to do it this year.

Mr. PRESSLER. Will my friend not agree it is the responsibility of the Democratic leadership to bring the Clinton bill to the floor? We are ready to go. But we keep reading and hearing this is going to be delayed until next year. It is not just me saying it. This says, "Even though Congress is unlikely to start work on a health care plan next year." They must have been told that by somebody. It must be the intention of the Democratic leadership to delay.

Mr. DASCHLE. The author of the article probably heard the distinguished Senator from South Dakota last night say health reform was going to be delayed and delayed and delayed. When you hear that from a couple of Members of this body, certainly you come to some conclusions. It does not take very much to delay health care reform or any other piece of legislation.

Mr. GLENN. Will the Senator yield?

Mr. DASCHLE. Obviously, we have to be concerned about these predictions of delay. Are we getting signals this is going to be delayed? Are we getting signals there are some on either side of the aisle that do not want to move health care reform? Then if I were a reporter I would probably have to put that in my story. But if it is up to the President and majority leader—and frankly I believe it is up to many Members on the other side of the aisle, including the Senator from Pennsylvania—there is no reason why this legislation has to be delayed.

I know the Senator from Ohio wants to respond as well. I yield the floor in that interest.

Mr. GLENN. I just wanted to find out what our time situation is on both sides.

The PRESIDING OFFICER. There are 8 minutes and 30 seconds remaining.

Mr. GLENN. How much on the other side?

The PRESIDING OFFICER. They have 15 minutes remaining.

Mr. GLENN. Mr. President, we reserve the remainder of our time on this side.

Mr. SPECTER. Before yielding to my distinguished colleague, the distinguished Senator from South Dakota, I have just a couple of comments, to reply to what Senator DASCHLE has had to say.

He says he challenges the process and says the Democrats have been accused of not including Republicans. Senator DOLE, the Republican leader, and Senator CHAFEE, the chairman of the Republican Health Care Task Force, sought to send representatives to the White House task force and were denied that opportunity.

The distinguished Senator from South Dakota [Mr. DASCHLE] says why was the Labor and Human Resources Committee, the Finance Committee, and the White House—why were they not all consulted? The answer is they were, and I put that in the RECORD in some detail, including the response from the chairman of the Labor and Human Resources Committee.

And the question I ask my colleague from South Dakota, Senator DASCHLE, with respect to consultation of Democrats, is: Is Senator DASCHLE aware of the fact that he received a letter containing Senate bill 18, with a summary of the bill, in January of this year?

Mr. DASCHLE. If the Senator will yield, I was not aware of that. That is my point. I am sure if you ask most Senators that same question, the Senator will find, indeed, with all the mail Members of Congress receive, they probably were not aware of that letter.

Mr. SPECTER. I accept the negative answer, Mr. President, but I am not going to consume any more time. If that is the negative answer, after having sent Senator DASCHLE a letter, as I sent a letter to every one of the 99 Senators, in January, and he says 90 percent flunk—that is not the fault of this Senator or this body. That should be no reason, absolutely no reason, for not proceeding to consider this bill.

Mr. President, at this time I yield 5 minutes to my distinguished colleague, Senator PRESSLER.

Mr. PRESSLER. Mr. President, I thank my colleague very much.

Mr. SPECTER. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. There are 13 minutes remaining.

Mr. SPECTER. I thank the Chair.

Mr. PRESSLER. Mr. President, I rise to urge my colleagues to support the pending health care reform amendment. As I stated yesterday, my intent in cosponsoring this proposal was to send a clear message to the administration and to the congressional leadership. Congress is ready to deal with this issue and we must do so early this year. I do not fully support every measure of this particular amendment. However, I do support the basic principles of reform it contains: malpractice reform, small market insurance reform, revisions in the antitrust laws, reduction of administrative procedures, reduction of waste and fraud, a greater emphasis on preventive care, and tax incentives to help individuals purchase health insurance.

Is this a perfect bill? No. I do not fully support the provisions establishing the Federal health board, nor do I fully support it being given the authority to limit the growth in annual health care expenditures. But I do believe that this is a starting point.

I hope my colleagues support this bill. It will send a clear message to the administration and to the American people.

Let me say, Mr. President, I am not here today to score debating points. I have worked on health care matters since 1975, when I entered the House of Representatives. I served on the rural health care task force in both Houses and the Republican Health Task Force in the Senate. We have had many meetings and have offered numerous amendments. As a member of the Senate Aging Committee, I have worked on a number of matters dealing with health care. So I do not take a back seat to anyone in terms of a long record of interest in and activities on the Senate Committee on Aging, the rural health care task force, in both the House and Senate and the Senate Health Task Force.

But we are faced with a developing phenomenon this year, and that is lack of action on this issue. After much talk by both sides, very frankly, and after much talk by the administration, we are suddenly faced with a situation where the much anticipated bill is not going to be brought to the floor. We keep hearing that the studies are going on, the meetings are continuing, we are going to have a report, and that is all fine. And we all get the administration's health care plan, I suppose. But we keep hearing that it will probably be next year before it is dealt with by the Congress.

As I have said before, and I speak with the experience of serving in this Congress since 1975, when something is held over until an election year, it probably means it will be held over until the next year. So we are really talking about 1995 before this bill is taken up. That may sound like an ex-

treme statement, but you heard it first here on this floor. I fear that this is what is going to happen, and that is why I am speaking out, and that is why I cosponsored this amendment. I hope I am wrong, but I have asked for commitments. We could do this bill in June or July. We could devote July to this bill. We could do it in June. There is no reason why we could not.

Now we hear there are more delays. There is not any filibuster about it. There is no cloture. The delays are not on this side of the aisle. We are ready to go. This Senator is ready to go. I am speaking for myself and I think for lots of others. But I do not think the American people know quite what is going on. They have been hearing about health care reform. It was promised to be sent over in the first 100 days and it just has not shown up. Once it gets here, the American people cannot wait another 7 or 8 months, before we deal with this issue.

So this Senator is going on record today stating that I am ready to legislate in this area. I think Senator SPECTER has done a great service by having the courage to bring up this amendment, and by taking the criticism that goes with it. There is no other vehicle. It is time to act. And it is a signal that we want to do health care early this year.

There is no reason not to do it. We have studied it enough. It is time to go.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, first of all, I want to thank from the bottom of my heart Senator DASCHLE.

Mr. GLENN. I yield the Senator 6 minutes. I believe we have 8 minutes remaining. I yield the Senator 6 minutes.

Mr. ROCKEFELLER. Mr. President, I thank the distinguished Senator from Ohio. I want to thank the distinguished Senator from Ohio and Senator DASCHLE for holding the floor so long.

I listened to the Senator from Pennsylvania last night and the Senator from South Dakota this morning. The Senator from South Dakota worries we are not going to get a health bill until 1995. I can assure you that this is the way we are not going to get a health bill, if this is the type of approach we take.

When we have a new administration, and when the new administration is put into office on basically two planks—one is economic and the other is health care reform—then it is the usual and customary procedure, it would seem to me, especially with the intensity the President and First Lady are working on health care, and the intensity the majority leader of this body, as well as the minority leader, feel about health care, that we give them a chance to put their plan forward.

It has been several months, because the Clinton administration has been undergoing a process of preparation of their bill, which is unprecedented in the history of this country on any kind of legislation. The President was quoted on Monday as saying he is going to "bust a gut," as he put it, for health care reform.

I know personally, having worked with him and I believe sharing the confidence of both the President and First Lady, the depths of their commitment to getting this done. But this is one way you cannot get health care done. And if there is one thing that would upset my constituents in West Virginia, and I feel fairly certain the constituents of the Senator from Pennsylvania, it would be putting something that is so important to the lives of the American people, which affects them in so many ways, into law without even having a hearing. I mean, we are talking about a four-page sheet of explanation. We do not know what the costs are of this amendment.

The Senator from South Dakota talked about tort reform. I am for tort reform. There are all different kinds of tort reform. There have been no hearings, no nothing, no process.

My people from the State of West Virginia, if we were to pass this legislation, would be horrified, I think, and would rightly be scared. "What have they done up there? What are they doing?"

We are going to spend a trillion dollars this year on health care, a trillion dollars. We are going to spend \$2 trillion in the year 2000. This makes the Pentagon look like a cup of coffee in terms of money. And my people want to know we are doing something thoughtful; that we are doing something deliberate; that we have checked our figures; that we know exactly what the costs are; that we know exactly what the ups and downs of all of this are, what the sacrifices are, and what the advantages are. This is the most complicated process we are embarking on in history. I say that with all due respect to the Senator.

To actually adopt an amendment to some bill about something entirely different than comprehensive health care reform is something which would trouble my constituents in West Virginia enormously.

We are going to be meeting, as I understand it, with the First Lady, Ira Magaziner and Judy Feder—all Senators, Republican and Democratic—on Friday. I know that the First Lady very much wants, as she already has, to sit down with Republican Senators, and I have witnessed that. And, there will be more common meetings of Democrats and Republicans so we can discuss this together. But they have dozens of people just cross-checking figures, cost estimates.

This is massive legislation in dealing with health care reform, and you can-



not do it this way. I hope very much that we do get up-or-down votes on this, and I hope very much that the word going around that somebody on the Republican side is going to move to table this legislation so as to obscure the vote is not the case, and that the Senator from Pennsylvania will, in fact, insist on, as he indicated yesterday, an up-or-down vote and not settle for a tabling motion, which obscures the way people understand the result of this. I want people on record on this, too. Health care is an incredibly serious subject. It is not something which is done by form of an amendment on some totally unrelated bill.

We have for the first time, in my judgment, a President who really cares about health care. And this will sound political, and I do not mean it to be, but I had been so frustrated that I almost myself got into the race for President solely on the basis of my frustration about what was not happening in health care.

So the frustration of the Senator from Pennsylvania is shared by this Senator. The frustration of the Senator from South Dakota is shared by this Senator. But because I am frustrated does not mean that I go and take four pages and say, "Here is comprehensive health care legislation," with no hearings, no cost estimates, no sense of really what we are doing, and then pass it. The U.S. Senate is not meant to do that, particularly on something which is as massive as something called comprehensive health care reform.

I respect what the two Senators are trying to do, but this is not the way to go. I hope our colleagues will vote no on the amendment.

Mr. SPECTER. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. Eight minutes and thirty-four seconds remain.

Mr. SPECTER. Mr. President, had the distinguished Senator from West Virginia been elected President and asserted his attention toward health care reform, knowing him as I do, I would not have offered this amendment, if we had started at an early date and moved ahead in an expeditious manner.

When the distinguished Senator from West Virginia says it is being added to an unrelated bill, he knows full well that is the only way a Senator in my position can bring this matter to the floor. I am not the majority leader, who can bring health care to the floor. Last July 29, I offered a health care amendment to an unrelated bill. The distinguished majority leader said it did not belong. I agreed with him and said I would withdraw it if he would give me a date certain, and he did not do that.

The Senator from West Virginia talks about the absence of hearings. I do not know if he was aware of the fact of repeated evidence, which this Sen-

ator put into the RECORD, and efforts to get hearings from both the Finance Committee and the Committee on Labor and Human Resources.

When the distinguished Senator from West Virginia talks about a tabling motion and makes some reference to the Pennsylvania Senator indicating something yesterday, this Senator did not indicate anything about any style of vote. And if a Senator wishes to offer a tabling motion, that is the right of any Senator to do so.

How much time remains on my side, Mr. President?

The PRESIDING OFFICER. There are 7 minutes remaining.

Mr. SPECTER. How much?

The PRESIDING OFFICER. Seven.

Mr. SPECTER. I reserve the remainder of my time.

Mr. MOYNIHAN addressed the Chair. The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I believe the distinguished manager will yield me a minute.

Mr. ROCKEFELLER. Mr. President, I happen to know, although the Senator from Ohio is not on the floor, I happen to have overheard the conversation in which he was going to yield the Senator from New York 1 minute. Here is the Senator.

Mr. GLENN. Mr. President, what is the time remaining?

The PRESIDING OFFICER. The time remaining is 1 minute, 45 seconds.

Mr. GLENN. How much on the other side?

The PRESIDING OFFICER. Seven minutes.

Mr. GLENN. If there are any speakers on the other side, we would like to retain our last couple of minutes, if we could.

Mr. SPECTER. Is the Senator from Ohio asking us for 1 minute for Senator MOYNIHAN?

Mr. GLENN. No, I am not asking for anything. Senator MOYNIHAN can take our time.

Mr. SPECTER. If that is the request—

Mr. GLENN. I yield Senator MOYNIHAN the rest of our time.

The PRESIDING OFFICER. Senator MOYNIHAN is recognized for 1 minute.

Mr. MOYNIHAN. I thank my able and gallant colleague, the manager of the bill.

Mr. President, it is a welcome sight to see a Republican offer a health measure in this body. In 1971, President Nixon sent us a comprehensive health program of the order of play or pay, as it was called. It was turned down then in this body as not advanced enough, and that way we lost another generation. We did the same thing on welfare reform, and here we are a generation later trying to deal with them.

But not in this mode, Mr. President. This bill was referred to the Senate Committee on Finance. We have not

had any hearings. We have not addressed the subject at all. We will do, and when we do, we will seriously consider the proposal of the Senator from Pennsylvania. In the meantime, what we have is a trivialization of a serious issue. There is no chance this will pass. The other side is embarrassed it has been introduced. I regret that it has proceeded in this manner. A point of order lies against it. The whole procedure is impossible, improbable, wrong, and ought to be resented. In any event, let it be defeated, Mr. President.

I thank you for your kind attention. The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 6 minutes 45 seconds remaining.

Mr. SPECTER. How much time would the distinguished Senator from Delaware like?

The PRESIDING OFFICER. The time has expired.

Mr. ROTH. One minute.

Mr. SPECTER. I yield 1 minute to the distinguished Senator from Delaware.

Mr. ROTH. Mr. President, at the expiration of the time of the debate on this amendment, I shall make a motion to table the amendment by the distinguished Senator from Pennsylvania. I do so with greatest reluctance because I know he has worked very diligently for many, many months in developing his program. I recognize it will provide great aid when we have serious debate on this question of health care for the American people. But I do feel strongly that if it were to be adopted as part of this legislation, it would prevent the Cabinet status that I think is so important for the environmental agency. So at the appropriate moment, when time has expired, I will move to table.

I yield the floor.

Mr. SPECTER. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. There are 5 minutes, 30 seconds remaining for the Senator from Pennsylvania and no time remaining of the other side.

Mr. SPECTER. Mr. President, by way of a very brief summary, I urge my colleagues to resist a motion to table which will be made under the announcement of the distinguished Senator from Delaware, and I can understand his concern about impeding the bill that is coming out of his committee.

I ask my colleagues to vote "no" on the motion to table. Senator DOLE has advised this Senator that he will be voting "no" on the tabling motion. The distinguished Senator from Rhode Island [Mr. CHAFEE], the chairman of the Republican health care task force, who was on the floor yesterday, stated his intention to support this amendment, so I would expect him to be voting "no."

When the distinguished Senator from New York [Mr. MOYNIHAN] comments about consideration for this bill when the Finance Committee takes up the issue, that is his call. But this bill was introduced on January 21, and this Senator put into the RECORD a letter which I sent to Senator MOYNIHAN on January 22 asking for hearings on S. 18 and S. 19, and between January 22 and April 28, there has been an ample opportunity for those hearings to be held. Had those hearings been held, Mr. President, were we proceeding in a timely fashion with consideration of health care legislation, this Senator would not be pressing this amendment at this time.

This is not something that has come up on my agenda last week or last month or last year; it is something that this Senator has been working on, announced earlier, with legislation having been introduced all the way back to 1985.

I introduced health care legislation again in the 102d Congress, and a comprehensive bill having been introduced, S. 18, on the first day of this legislative session, and another bill, S. 631, which is a combination of legislation which had been introduced by Senator COHEN, Senator KASSEBAUM, Senator MCCAIN, and Senator BOND, and it is comprehensive.

If the motion to table is defeated, there will be ample opportunity for Senators to offer amendments to this legislation.

As I said yesterday, I do not say it is a perfect bill. I do not say that I support all aspects of the bill myself. It has been the product of a combination of bills. It is a critical mass which can provide the basis for legislation which is long overdue. What we ought to do is to follow the pattern established in the Clean Air Act in 1990 when the bill was brought to the floor and the Senate broke up into task forces, we worked on it, and we got a bill passed. I suggest that is the orderly way to proceed.

Mr. President, I know the hour approaches 12 noon, and I inquire as to how much time remains.

**THE PRESIDING OFFICER.** There is 1 minute, 40 seconds remaining.

Mr. D'AMATO. Mr. President, I commend the Senator from Pennsylvania for his leadership on the health care issue.

The Senator from Pennsylvania has come to this floor on a number of occasions to offer legislation to reform our health care system. He has sought a date certain for consideration of comprehensive health care legislation, but for one reason or another his request has never been granted.

So I understand the sense of frustration that led my good friend to introduce his Comprehensive Access and Affordability Health Care Act of 1993 and to offer it as an amendment to the measure we are debating today.

The American people have made it clear that they are not happy with a health care system that costs over \$800 billion a year—more than 13 percent of our Nation's gross domestic product—yet fails to provide coverage for an estimated 36 million Americans.

They want, and deserve, meaningful reform to hold down the cost of health care and to guarantee coverage to those who don't have it.

Over the past several years, we have had pending before various committees of the House and the Senate countless bills to reform our health care system. I am told there were more than 1,400 such bills introduced in the last Congress alone. There are some 200 that have already been introduced in the 103d Congress.

In the last Congress, I joined 20 of my Republican colleagues in introducing the Health Equity and Access Improvement Act of 1991. Nothing in that bill was terribly controversial; it contained medical liability reforms and incentives for expanded preventive care to hold down costs, and tax credits to make health insurance affordable. This bill never made it out of the Finance Committee.

Mr. President, I want to know, what are we waiting for? Clearly, the decision has been made that nothing will be done until the President's task force submits its final proposal in May or June.

Yet, as the amendment by the Senator from Pennsylvania makes clear, there are significant measures pending in this body that we could be debating. But instead we wait. And as we wait, we begin to hear—as we have in recent statements by House Majority Leader GEPHARDT, and Ways and Means Committee Chairman ROSTENKOWSKI—that it is unlikely that we will get a health reform bill enacted this year.

Again I say, "what are we waiting for?"

We have models of health care reform around the country that are working today, and I would cite Rochester, NY, as an example. According to a recent Harris poll, Rochester leads the Nation in health care access and satisfaction—while succeeding in holding costs to a fraction of what they are elsewhere in the Nation. This poll found:

More than 84 percent of Rochester residents are satisfied with their health care—compared to 71 percent nationally.

Median out of pocket costs of Rochester area residents are only \$102 annually—65 percent lower than the national median of \$290.

Let me also share with you some of the findings of the House Committee on Government Operations as it relates to the Rochester health care system:

Health insurance premiums in Rochester average \$2,400 per employee, or about one-third less than the national average.

Of the Rochester area's 1.1 million residents, only 7 to 9 percent are uninsured, compared to 12 percent in New York, and 15 percent nationally.

On average, the Rochester area's hospitals are 84 percent occupied—compared with a national average of only 66.8 percent in 1990.

Rochester's per capita hospital expenditures in 1989 were 41 percent less than the State average, and 9 percent less than the national average.

The amendment by the Senator from Pennsylvania seeks to foster in every State the kind of innovation in health care delivery that we have seen work so effectively in Rochester.

And that, I think, is the point of the amendment by the Senator from Pennsylvania:

We have models of health reform that work today; and we have any number of worthwhile bills pending in the committees of the House and the Senate that would put these innovative ideas to work to extend benefits and hold down costs to all Americans.

But all of our hand ringing and talk over the issue of health reform doesn't amount to a hill of beans unless we put a bill before the Senate, debate it, and get it enacted into law.

I support the Senator from Pennsylvania's efforts to get a bill on the floor for debate. I do not support every provision in my colleague's amendment. I disagree with the inclusion of the financing provisions he has chosen to put in the bill, and I have expressed my views on these provisions to my colleague.

But I am of the belief, Mr. President, that if we postpone the debate on health reform until we have a plan before us that is 100 percent agreeable to each and every Senator, then we will never move forward on this important issue.

Mr. President, I believe the time has come to roll up our sleeves and begin the hard work of crafting a health care plan that will meet the needs of America.

Mr. HATCH. Mr. President, our colleague from Pennsylvania, Senator SPECTER, has his finger on the pulse of America. There is nothing more important on our agenda this session than the issue of health care reform.

Senator SPECTER has a very comprehensive plan, as do I and a number of other Senators. While I do not agree with every element of his approach, our plans share a common goal: Providing access to quality and affordable health care for all Americans, whether they are in Utah, Pennsylvania, or any other State.

Let me just note that Senator SPECTER's plan contains a number of features, which, in my estimation, are essential. These include medical liability reform, antitrust reform, and an increased emphasis on preventive health care. These are very important.



It is also important that we show our commitment to acting on health care reform, and maintaining its priority status. For this reason, I must oppose a motion to table.

Mr. SASSER. Mr. President, I would like to commend my friend from Pennsylvania on his effort to bring significant health care reform legislation before the Senate for consideration. I share his view about the gravity of the health care crisis and the urgent need to address this problem through the passage of comprehensive health care reform legislation.

I believe the amendment he brings before the Senate today is well-considered, and serves to move this body forward toward the goal of passing a reform measure in the 103d Congress. However, I regret to say that I will find it necessary to vote to table the amendment offered by Senator SPECTER. I will do so for several reasons.

First, I am certain the majority of this body would agree that many of the measure's provisions are meritorious. However, I believe that a most important aspect of the health care problem—that of skyrocketing health care costs—is not adequately addressed in the Senator's amendment. If we are to ever provide adequate and affordable insurance coverage to the uninsured and underinsured in this country; if we are ever to provide American families assurance that their insurance premiums and out-of-pocket medical expenses will not continue to rise at several times the inflation rate, we simply must make some difficult choices on ways to control health care costs. Health care reform legislation must include substantive, enforceable cost containment measures. And in my view, Mr. President, the amendment before us simply does not go far enough in this area.

My second concern relates to the fact that the President of the United States—who was elected with a clear mandate to provide badly needed leadership on health care reform—is within days of finalizing his health care reform proposal—the plan he and the First Lady have spent so much time and energy developing over the past few months. In fact, it is my understanding that the proposed plan is to be presented to the public on May 17—less than 3 weeks from today.

I might submit that the Senator from Pennsylvania would serve the effort to move on health care reform if he were to wait 19 days, examine the President's plan, compare it to his own proposal, and then work constructively with the President of the United States and with his colleagues on both sides of the aisle to fashion an effective and workable health care reform plan.

Finally, Mr. President, I am concerned that the amendment offered by the senior Senator from Pennsylvania—should it win approval—may delay

the passage of the important bill under consideration today. As I mentioned here yesterday, I am an original co-sponsor of S. 171, the Department of the Environment Act of 1993.

Each day, the American people are expressing more and more concern about the condition of their environment. The President, the Vice President, the Secretary of the Interior, the Director of the Environmental Protection Agency—all have made it clear that they understand that concern, and are ready to work with the Congress to address long-neglected environmental problems. The establishment of the Department of the Environment represents a clear step—a both symbolic and substantive move forward—toward establishing environmental protection and conservation as priority goals of this country and its Government.

So Mr. President, I shall vote to table the amendment offered by my distinguished colleague, Senator SPECTER. But I stand ready to work with him on the pressing issue of health care reform—with the goal of passing a comprehensive measure in the coming months.

Mr. MCCONNELL. Mr. President, with some 700,000 Kentuckians who are uninsured or underinsured, I fully understand the importance of swiftly enacting national health care reform. I recently traveled throughout my State to discuss this issue with medical professionals, hospital administrators, business leaders, and concerned citizens. Everyone agrees that reform of our health care system must be among our Nation's top priorities.

While I do not support all the provisions contained in this amendment, I intend to vote for the measure offered by the Senator from Pennsylvania because I feel it sends a clear message to the American public that there is no time better than the present for reform. I commend my colleague for his tireless efforts in pressing for action on this issue.

In the next few weeks, I anticipate that the administration will unveil its reform proposal. I look forward to the continued debate on this issue, and I will work hard to ensure that any comprehensive package this body may consider is beneficial to Kentucky's specific health care needs.

Mr. GORTON. Mr. President, as part of his successful Presidential campaign, President Clinton made it clear to all Americans that health care reform would be a top priority for his administration. A clear illustration of his commitment to that promise was his appointment of his wife, Hilary Rodham Clinton, to chair the task force of national health care reform. For the past several months she and members of the task force have labored to produce a comprehensive proposal to Congress by the middle of next month. Only the tragic death of her father

caused an understandable postponement of the anticipated deadline. She and the President are to be commended for the serious effort made thus far to find a solution to the rising health care costs and declining access to affordable care.

I share their desire to find a meaningful and lasting solution to our Nation's health care problems. For that reason, I have been meeting for the last 2 years with other members of the Republican health care task force to discuss alternative proposals to improve our health care system. These lengthy meetings have proceeded under the chairmanship of Senator CHAFEE and have informed and inspired Members to resolve some of the complex issues ahead of us.

At some point in the near future, Mrs. Clinton's task force, the Senate Republican health care task force, and several other organizations will offer to Congress their view of change. At that time, the Nation will begin a debate of enormous magnitude.

It is this Senator's belief, that the debate should begin with the proposal from Mrs. Clinton. After all, she and the Clinton administration have made it clear that their health care reform proposal will be the center of their domestic policy. Their level of commitment deserves this Chamber's patience to wait for the task force's final product.

Having said all that, I would like to offer Mrs. Clinton some friendly advice: We are here to help solve this problem. Frankly, many of us who have been working on health reform for the last 2 years have been disappointed with the lack of inclusion in the administration's deliberations of anyone from this side of the aisle. With the exception of one 1-hour briefing by Mrs. Clinton to 35 Republican Senators, this Senator and most others have not been invited to discuss health care reform with the administration. Nor have my letters concerning health care reform to Mrs. Clinton been answered. Moreover, I was disappointed to discover upon publication of the list of task force members that of the 500 or so individuals determining the administration's health care reform proposal, nearly a third are staff members of Democratic House or Senate members, and most of the rest are Government employees. Despite comments in the press to the effect that this will be a bipartisan effort, there is obviously reason to doubt.

That, I believe is a serious mistake. If the plan does indeed include employer mandates, global budgets, price controls, and increased taxes, bipartisan support will be difficult to find.

And yet, by voting against Senator SPECTER's amendment, this Senator has shown his willingness to give the President the benefit of the doubt. I still welcome the opportunity to dis-

cuss health care reform with the administration and urge Mrs. Clinton to consult with us not just for form, but with a view toward accommodating our ideas. While parts of the Specter proposal are attractive, I believe we must wait to discuss it after we have given the First Lady's proposal the serious consideration which it deserves.

This is neither the time nor the place for passing comprehensive health care reform. Rather than amending legislation that will create a Department of the Environment, health care reform should be debated and passed on its own and after serious consideration. That consideration must begin with the Clinton proposal. Anything less would be a disservice to the commitment and initiative of the administration to resolve our health care problems.

Mr. SPECTER. Mr. President, I am prepared to yield to the Senator from Delaware for his tabling motion.

Mr. ROTH. Mr. President, I move to table the amendment.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The hour of 12 noon has arrived. Under the previous order, the question is on agreeing to the problem to table the Specter amendment No. 325. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and, the Senator from Texas [Mr. KRUEGER] are necessarily absent.

The PRESIDING OFFICER (Mr. AKAKA). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 65, nays 33, as follows:

[Rollcall Vote No. 107 Leg.]

#### YEAS—65

Akaka	Exon	Mathews
Baucus	Feingold	Metzenbaum
Biden	Feinstein	Mikulski
Bingaman	Ford	Mitchell
Bond	Glenn	Moseley-Braun
Boren	Gorton	Moynihan
Boxer	Graham	Murray
Breaux	Harkin	Nunn
Bryan	Heflin	Pell
Bumpers	Hollings	Pryor
Burns	Inouye	Reid
Byrd	Johnston	Riegle
Campbell	Kennedy	Robb
Cochran	Kerrey	Rockefeller
Conrad	Kerry	Roth
Coverdell	Kohl	Sarbanes
Daschle	Lautenberg	Sasser
DeConcini	Leahy	Shelby
Dodd	Levin	Simon
Domenici	Lieberman	Wellstone
Dorgan	Lott	Wofford
Durenberger	Mack	

#### NAYS—33

Bennett	Cohen	Dole
Brown	Craig	Faircloth
Chafee	D'Amato	Gramm
Coats	Danforth	Grassley

Gregg	Lugar	Simpson
Hatch	McCain	Smith
Hatfield	McConnell	Specter
Helms	Murkowski	Stevens
Jeffords	Nickles	Thurmond
Kassebaum	Packwood	Wallop
Kempthorne	Pressler	Warner

#### NOT VOTING—2

Bradley	Krueger
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So the motion to table the amendment (No. 325) was agreed to.

Mr. ROCKEFELLER. Mr. President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### HEALTH CARE REFORM

Mr. DOLE. Mr. President, today the Senate voted to table the amendment on health care reform cosponsored by several of my colleagues on this side of the aisle.

Although I have concerns about the contents of the amendment offered, particularly in its cost and its lack of financing, it is this Senator's strong belief that health care is a topic we should be discussing at length. We hear all the time about the enormous complexity of the issue and how complicated it is to solve what many have called a crisis in this country.

Mr. President, no doubt, the amendment offered was not a perfect one. In fact, the original cosponsors freely admitted this. However, we are sure to perpetuate the problems if this body is unwilling to enter into serious discussions about viable reform alternatives. Given the complexity of the issue, I do not believe that health care reform will be resolved by pushing it aside because we are not ready to talk about it yet.

Given the nature and many intricacies of this issue, the administration and Congress must work together on reforming our Nation's health care system. As demonstrated by my colleagues on this side of the aisle, Republicans are ready to roll up our sleeves and face the difficult decisions that must be made.

Republicans welcome substantive discussions on health care. We continue to be fully committed to reforming our health care delivery system and will remain committed, Mr. President, until health care costs are contained and all Americans have access to the system.

The PRESIDING OFFICER. Under the previous order, the Senate will be considering a series of amendments. There will be 1 hour of debate, equally divided.

The Chair recognizes the Senator from Arizona [Mr. MCCAIN].

#### AMENDMENT NO. 327

(Purpose: To provide that one of the Assistant Secretaries of the Department of the Environment shall be an Assistant Secretary for Indian Lands)

Mr. MCCAIN. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 327.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Section 104(b) of the Committee Amendment in the Nature of a Substitute is amended by adding at the end thereof the following new paragraph:

(3) One of the Assistant Secretaries referred to under paragraph (1) shall be an Assistant Secretary for Indian Lands and shall be responsible for policies relating to the environment of Indian lands and affecting Native Americans.

Mr. MCCAIN. Mr. President, this amendment is rather simple and straightforward. It would authorize the appointment of an Assistant Secretary for Indian Land in the new Department of the Environment. It is my understanding that this will not increase the cost nor will it, in my view, significantly increase the bureaucracy of the new Department.

The bill before us authorizes up to 12 Assistant Secretaries at the new Department of the Environment. I believe it is reasonable and appropriate to designate 1 of these 12 to implement Federal environmental policies for Indian lands and native peoples.

Before I get into my prepared statement, I just want to tell my friends here, if they want to vote this amendment down, that's fine. But we will have a vote. The fact is, if they want to again ignore the needs and the problems of our Nation's least privileged Americans—and that is our first Americans—that is fine with me. But I intend to get the Senate on record as to how they feel about native Americans.

The fact is, Mr. President, that native Americans today have two ways to improve their economy. One is through Indian gaming which is the subject of enormous controversy. The other is through landfills, basically desecrating what they hold most sacred, and that is their land. The RECORD will show, and I will include in the RECORD documentation that native Americans have been taken advantage of time after time on environmental issues. They have been forced, because of economic necessity, to betray the very thing that they hold the most sacred.

I cannot believe that the U.S. Senate would not ratify at least 1 of the 12 Assistant Secretaries to be one that is supposed to look out for those who are the least protected out of our entire population, and that is native Americans. To suggest that the reason why we will not approve this amendment is because there is somehow a clean bill, or there was somehow some rationale for no amendments, Mr. President, I believe ignores the problems of America's neediest citizens.

Mr. President, my amendment will authorize the appointment of an As-



sistant Secretary for Indian Lands in the new Department of the Environment that will be created by this legislation.

While I support this concept of elevating the EPA to a Cabinet-level Department, this legislation does not address the pervasive environmental problems faced by the neediest Americans in our Nation. I am deeply concerned by the fact that native Americans and their lands are receiving an adequate level of attention and assistance from the EPA.

The bill before us authorizes up to 12 Assistant Secretaries at the new Department of the Environment. It is both reasonable and appropriate to designate 1 of these 12 to implement Federal environmental policies for Indian lands and native peoples.

Later in my remarks I will tell you how much money has been given to native lands as far as environmental issues are concerned as opposed to the rest of America. The numbers are shocking.

Unless we act to create a permanent, high-ranking presence at the policy-making level to represent the interests of native Americans on environmental issues, I fear our historic neglect of the environmental problems faced by Indians in our Nation will continue.

The administrative structure established in the EPA to address environmental problems on Indian reservations has not adequately served native Americans. Unless this amendment is passed, Indian programs at a new Department of the Environment will continue to be buried below the policy level, and the concerns of native Americans on our Nation's 280 reservations will remain mostly unheard.

In creating a new Cabinet-level Department of the Environment, we need to ensure that native Americans have an advocate at its highest reaches. An Assistant Secretary for Indian lands will be able to more effectively promote Federal efforts to assist tribal governments in their efforts to protect Indian lands from environmental degradation, and to secure the resources that are urgently needed to rededicate existing environmental problems.

Mr. President, the environmental problems on Indian lands in the United States, are serious, widespread, and complex. Many Americans and many Members of this body are unaware of how much of our Nation is comprised of Indian lands. The total, land mass of Indian reservations is equal to the size of New England and the States of Maryland, Delaware, and New Jersey combined. Indian lands comprise 25 percent of the land in my State of Arizona. The Navajo Reservation alone is equal to the size of the State of West Virginia.

This vast expanse of land that is Indian country in America holds an alarming variety of environmental

problems that are adding to the often bleak quality of life faced by native Americans.

A brief review of a few of the environmental issues that exist in Indian country is a disturbing array of growing health risks and the tragic pollution of sacred lands. Mr. President, there are over 1,000 solid waste landfills on Indian lands that do not meet Federal standards, and approximately 450 of these sites are potentially hazardous. EPA officials stated in testimony before the Senate's Select Committee on Indian Affairs that of 108 sanitary landfills constructed by the Federal Government, no more than 2 are in compliance with EPA regulations.

An investigative series by the St. Louis Post-Dispatch in late 1991 detailed some of the most serious cases of environmental problems in Indian country.

Mr. President, as you can see, there are toxic trouble spots on virtually every Indian reservation in America.

The Pine Ridge Reservation in South Dakota, which has contaminated drinking water from uranium mining and numerous unsanitary landfills.

Landfills in the Devil's Lake Sioux Reservation in North Dakota and the Oneida Reservation in Wisconsin have been described as being "laced with arsenic, mercury, and other illegally dumped chemicals."

The Navajo Reservation in New Mexico, Arizona, and Utah has an estimated 1,000 sites polluted by old uranium mines or uranium waste.

Mercury pollution on Seminole land in Florida threatens fishing and the gathering of food.

Perhaps the worst spill of low-level radioactive waste in American history occurred 13 years ago at a uranium mine on the Navajo Reservation in New Mexico.

Earlier this year, flood waters of the Salt River in Arizona ripped open a landfill operated by an Indian tribe and sent tons of garbage flowing down the river and into neighboring communities.

The St. Louis Post-Dispatch reported that when the EPA finished writing new rules for garbage and solid waste control, copies were sent to all 50 States to prepare them for the new regulations. None were sent to Indian tribes, although tribes will clearly be subject to enforcement actions under the new regulations.

I want to remind my colleagues that these environmental maladies are afflicting the very poorest communities in the entire United States. Unemployment in Indian country averages 50 percent, and on some reservations approaches 90 percent. More than 15 percent of Indian homes lack basic sanitation facilities—a rate 8 times worse than the rest of the United States. On Navajo lands alone, more than 11,000 homes lack running water and sewage disposal.

These disturbing facts have a definite cost in human lives.

According to the Indian Health Service, over half the 56 infant deaths in Navajo country in 1989 occurred in homes without running water. Furthermore, the tuberculosis death rate for Indians is five times the rate for other races combined.

The increasing problem of hazardous waste sites and unsafe landfills on Indian lands can only exacerbate these problems, and further strain the abilities and limited resources of tribes and Federal agencies to solve them.

What will be done by Federal agencies to address many of these environmental problems in Indian country? Sadly, Mr. President, not nearly enough. Due to the ranking criteria used by the EPA under the Superfund Program, almost all of the hazardous waste sites on reservations will not qualify for Federal assistance.

This disturbing situation must be changed, and establishing an Assistant Secretary for Indian Lands at the EPA will be an excellent first step in doing so.

In monetary terms, the funds that are needed to address environmental problems on reservations are enormous, and far beyond the scarce resources of our Indian tribes. The Indian Health Service has estimated that the unmet needs of tribes for health-related water systems, sewage disposal, and solid waste deficiencies are at least \$700 million, and in all likelihood are far higher.

It is a simple statement of fact to say that the response of the EPA and other Federal agencies to environmental problems on Indian lands has been totally inadequate and a national disgrace. To recognize why an Assistant Secretary for Indian Lands at the EPA is so important, one needs only to look at the huge discrepancy between the funds that have been awarded to States by the EPA for the construction of wastewater treatment facilities, as compared to what the EPA has awarded to tribes.

A 1989 EPA report found that \$48 billion had been awarded to States and cities under title II of the Clean Water Act, while only \$25 million had been awarded to Indian tribes. It is simply indefensible, Mr. President, that in the first 15 years of Federal aid under this landmark legislation, Indian tribes received less than one-half of 1 percent of available funds.

This same EPA report estimated that native American tribes will need \$470 million to comply with water quality goals of the Clean Water Act, and to avoid environmental health risks. Yet, at the time of this report, only \$30 million was available to help the tribes do so.

I do want to express my appreciation to the EPA for taking some significant steps to enhance its activities on In-

dian lands, and to increase the funds it provides to Indian tribes for training, program development, and remediation efforts. This effort extends back to 1984. I know that officials of the EPA's Office of Federal Activities [OFA] are deeply committed to making a difference in the lives of Native Americans, and to addressing the environmental problems they face.

I am very pleased to have worked with officials at OFA in establishing a multi-media grant program to assist tribal governments with a broad range of environmental problems.

Let me also note that EPA was the first Federal agency to formally adopt President Reagan's Indian policy which stated that relations between the Federal Government and tribes would be carried out on a government-to-government basis. This was a decade ago, however, and the promise of the EPA's well-intentioned Indian policy has not been backed up with enough financial assistance, professional training, and environment program development for tribes.

EPA Administrator Carol Browner had some compelling views on this issue during the hearing on S. 171 before the Senate's Governmental Affairs Committee. Ms. Browner said:

I think we have failed the tribal communities of this country in terms of working with them to develop their capacity for environmental protection, for ecosystem protection. \*\*\* I am committed to changing this behavior, to making sure that we bring resources to bear, and that we work with tribes in a way that is acceptable to them.

Creating an Assistant Secretary for Indian Lands will accomplish several important goals that Ms. Browner spoke about. First, it will immediately and permanently raise the profile of environmental problems in Indian country within the entire Federal Government. Secondly, it will ensure that there will be an Assistant Secretary to work to secure the departmental and financial resources necessary to address these problems. Finally, it will establish a high-ranking position at the policymaking level of the new department to oversee the full implementation of the EPA's Indian policy, and better coordinate Indian environmental protection programs with other Federal agencies.

I firmly believe that the best solutions to problems in Indian country are those proposed by the tribes themselves. Therefore, I am pleased that tribes such as the Cherokee Nation, the Navajo Nation, the All Indian Pueblo Council, the Seminole Indian Tribe, the National Tribal Environmental Council, and many other tribes are supportive of creating a policy-level position for Indian lands in a new Department of the Environment.

The current administrative structure of the EPA and the amount of resources targeted by the agency to help Indian tribes is clearly adequate for

the task at hand. Even with some very welcome increases, only \$36 million will be available to tribes for all Federal environmental protection measures this year.

Tinkering with the status quo is not enough, Mr. President, especially at a time when it is likely that there will be cuts in vital environmental protection programs that native Americans need substantially more help from. I note that the Clinton administration's proposed 1994 budget calls for a substantial reduction in funds for the EPA's wastewater treatment revolving loan fund, yet we still face a facilities backlog of at least \$400 million on Indian lands.

The Senate should act right here and now to enhance the voice of native Americans within the new Department of the Environment called for by this bill. Creating an Assistant Secretary for Indian Lands is an appropriate and necessary step, and we can give both hope and promise to the tribes that so badly need our help with environmental problems.

By passing this amendment, we will not only make the new Department of the Environment more sensitive and responsive to the needs of native Americans, but we will be helping to reverse one aspect of our Government's legacy of neglect and mistreatment of a proud people who have endured so much.

Mr. President, one of the arguments that will be made, I am sure, is that there is no reason to separate out native Americans on this issue, that they should be treated equally with others.

The fact is, Mr. President, they have not been. The fact is that by solemn treaty we guaranteed native Americans certain rights and we assumed certain responsibilities for native Americans.

I will not insult the intelligence of the Presiding Officer by reminding him how those treaties came about.

But the fact is, we incurred solemn obligations. It seems to me, Mr. President, helping native Americans preserve their most precious asset, which is their lands, is something which should not be a major task for this Senate and this Government to overcome.

I believe that the unique status of a government-to-government relationship that embodies our policy toward native Americans mandates that we establish an Assistant Secretary for Indian Lands.

Mr. President, I ask unanimous consent that Senator NIGHTHORSE CAMPBELL be added as a cosponsor, as well as Senator WELLSTONE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona reserves the remainder of his time, which is approximately 14 minutes.

The Senator from Ohio.

Mr. GLENN. Mr. President, I yield myself such time as I may require.

Mr. President, I do not like to oppose this amendment, but unfortunately I have to. I, too, am concerned about native American issues and Indian tribes. We tried to build into this bill managerial flexibility for the Secretary, the new Secretary of Environment, to assign responsibilities and jurisdictions for the Assistant Secretaries. We did not try to spell all those out in the bill itself.

I think if we start carving out specific areas for Assistant Secretaries, it would possibly destroy what we tried to set up for the new administration to do. I think it is important to note that the new administration, though, I would say to my good friend from Arizona, has gone on record strongly supportive of native American concerns.

For example, at the Governmental Affairs Committee hearing on S. 171 on February 18 of this year, Administrator Browner indicated, in response to Senator MCCAIN, that she takes our Government's responsibilities to Indian tribes very, very seriously. I quote from her testimony that day. She said:

I think we have failed the tribal communities of this country in terms of working with them to develop their capacity for environmental protection. I am committed to changing this behavior to making sure that we work with them in a way that is acceptable to them.

Later in that same hearing, Senator MCCAIN again asked Ms. Browner if she would give serious consideration to having a high-level person in her bureaucracy to address native American concerns. Ms. Browner replied that she was certainly willing to discuss this with Senator MCCAIN. She too, thinks it is very important.

So it seems to me there is a record of commitment by the administration on this issue. But if the Senator wishes, we could certainly give his proposal additional consideration within this bill by having the commission on improving environmental protection consider the need for an Assistant Secretary devoted just to native American affairs. But I respectfully suggest, as floor manager of the bill, as much as I would like to, I just cannot support the amendment to this bill.

We have received information, just literally within the last few minutes, in fact, after I sat down here, from the EPA. I will enter parts of it in the RECORD and read part of it. But their statement on this is the following, and this is from EPA just as of a few moments ago. The time on this, I just noted, was 12:06, when it was transmit-



ted, I guess. So it really is very recent, from EPA. They say the following:

It is not clear at this time that creation of an Assistant Secretary for Indian Lands within the Department of the Environment offers an effective approach to fully implement the national system of environmental protection throughout Indian country. EPA believes that programs of the new Department must thoroughly incorporate tribes, on a government-to-government basis, into all of the environmental programs established under enabling federal laws. It is not feasible or appropriate to establish a separate environmental program solely oriented to the tribes, given resource constraints, the need to avoid duplicative efforts within the new Department, and the inclusive nature of federal environmental programs and statutes.

The better approach is for the new Department to accelerate efforts to enable tribal governments to establish and operate environmental programs and to assure that tribal concerns are fully considered in environmental rule-making. These include:

Continuing revision of environmental regulations and statutes to provide for delegation of programs to tribes;

Providing environmental program start-up assistance through General Assistance Program grants, and continued program support through set-asides for regulatory program grants, such as Clean Water Act Section 106 and Clean Air Act Section 103 grants;

Providing funding access to tribes for environmental infrastructure efforts, such as the wastewater construction grants program;

Technical assistance and training for tribal environmental staff in all major environmental program areas.

Those areas, those four I just read off, are those they include where they are planning to establish coordinated programs with the tribes to address these concerns. I will continue with their statement:

In addition, EPA believes that the policy concerns of tribes need to be fully reflected in all departmental program offices. To this end the agency is in the process of creating an EPA/Tribal Committee, which will involve representatives from tribal governments from all regions of the U.S., and which can advise the programs and the Secretary of tribal environmental concerns and priorities. Further, EPA recognizes the need to institutionalize the input of tribal concerns to the Secretary of the Environment. As it proceeds in planning the organization of the new Department we are assured that it will create an appropriate structure to accomplish this important function.

Finally, to facilitate the process of ensuring an Indian voice as the new Department implements the nation's environmental goals, and in support of the President's policy of having government reflect the essential character of the American people, efforts will be increased to recruit qualified tribal members to occupy positions in all programs and all levels within the agency.

That is a rather all-inclusive statement. I think it indicates they really want to work to this end. That statement was from EPA just this morning.

At the same time I was handed, literally after we came to the floor here, questions and their answers, which it is my understanding are the questions that the distinguished Senator from Arizona sent to EPA after our hearing

in the Governmental Affairs Committee. I do not know whether he has received a copy of those or not. I just got copies a few minutes ago right here.

Has the Senator received answers to those yet?

Mr. MCCAIN. In response to the Senator, no, I have not. Frankly, I am not surprised since the Director of the EPA was quoted she would be glad to discuss these native American issues and never made any attempt to do so, nor were our questions answered, as the Senator knows. The hearings took place a good long time ago, many weeks ago as I remember. So that is again an indication of their real commitment and concern about these issues.

But I hope the distinguished chairman will at least share those answers with me, since the EPA did not feel it was appropriate to send them to me.

Mr. GLENN. I certainly will. They may be in the Senator's office. I do not know. I will be glad to furnish these.

Let me just comment on them here. One of the questions was—the Senator was:

\*\*\* interested in your thoughts on how the EPA can better address environmental problems on Indian reservations. Would you agree that a major problem is that more resources need to be targeted for enforcement and technical assistance on reservations?

What percentage of the EPA's funding and staff are targeted on Indian tribes?

A. EPA currently provides resources for environmental protection on Indian lands in three ways. First, it provides resources through Congressional appropriations and set-asides such as those provided under Section 319 and Title VI of the Clean Water Act (CWA) and funds appropriated in support of the multi-media/general assistance program. Second, EPA provides resources through regulatory set-asides such as the up to 3% of CWA Section 106 funds that are set-aside under that Act's Indian Program regulations. Finally, individual EPA offices review their grant funds on a yearly basis and include tribes along with states within their discretionary programs.

Currently, 100% of EPA's multi-media/general assistance funds go to tribes. Other program funding directed to tribes include: about 2-3% of the funds for state, local and tribal programs, about 0.9% of the Agency's Superfund monies, and 0.5% of the wastewater treatment construction funds are reserved for tribes. Approximately 0.8% of EPA's FTEs are used to support the Indian Program. EPA has increased its support of tribal programs by over 700% since the adoption of its Indian Policy. As tribes continue to develop their capacity to participate in EPA programs, the Agency will need to continue to increase its efforts to support the development of tribal regulatory systems.

That was the answer to the first question. The second question that was asked of them was:

In light of the magnitude of environmental problems in Indian country, would you have a recommendation for an appropriate policy position to address them if the EPA becomes a department?

The answer:

In 1984, EPA was the first federal agency outside of the Bureau of Indian Affairs and

the Indian Health Service to adopt an Indian Policy. The Agency's policy recognizes the sovereignty of tribal governments and commits EPA to working with tribal governments on a government-to-government basis. If EPA becomes a department, these basic foundations of the Agency's Indian Policy will be the cornerstones of any Departmental approach which the Agency will take in the conduct of its affairs with Indian nations.

The next question:

Do you feel that native Americans deserve a voice and a strong advocate at the policy-making level of a new "Department of the Environment?"

The answer they have is:

For the past several years, EPA has had individuals in the role of special assistant to the administrator who have advocated for the inclusion of Indian tribes within all appropriate areas of the agency's programs. If the agency is elevated to departmental status, this advocacy role will, along with other appropriate program areas, be reviewed to determine how it can best be institutionalized within the evolving framework of the new department.

To facilitate the process of ensuring an Indian voice as the agency implements its Indian policy, and in support of the President's policy of having Government reflect the essential character of the American people, the agency will increase its efforts to recruit qualified tribal members to occupy positions at all levels within the agency, including those that develop policy at its highest levels.

The last question was asked of them:

Isn't it both reasonable and necessary to have one of the 10 assistant secretaries called for by this bill to be responsible solely for environmental policies and programs affecting Indian tribes and lands?

And the answer is:

The EPA Indian program is an important function that cuts across all of the agency's major programs to help protect human health and the environment. If the agency is elevated to department status, it will review its current structure and the legislative mandates of both its programs' specific and cross-cutting functions to determine how to most effectively employ its human and financial resources to meet its statutory obligations.

At this point, it is unclear as to which of the agency's programs will become Assistant Secretary-level functions and which will continue to operate across the agency's programmatic chain of command. If departmental status is approved, all suggestions for organization of the agency's Assistant Secretary positions will be given thorough consideration before decisions are made.

That ends the question-and-answer session. I will be glad to have a copy of this made immediately and given to the distinguished Senator from Arizona.

I reserve the remainder of my time.

Mr. MCCAIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 14 minutes remaining.

Mr. MCCAIN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. MCCAIN. Mr. President, in July 1992, the Environmental Protection

Agency issued a report, and the subtitle of that report is "Environmental Risk in Indian Country."

If anybody believes that the EPA has been adequately responsive or in any way given sufficient priority to the environmental issues on Indian land, I think they need to read this report.

Mr. President, I quote on page 2:

Before 1984, EPA's regulatory programs did not take into account the unique constitutional status of Indian lands. In addition, most of EPA's authorizing legislation had no language addressing responsibility for environmental protection on Indian lands. As a result, while EPA fostered its partnership with the States, environmental protection on Indian lands often lagged behind.

Mr. President, the conclusion of this report, and it is a very important conclusion, says:

Diverse as the hundreds of American Indian tribes are, they share characteristics that distinguish them from the U.S. population at large. These characteristics, based on unique cultural and historical experiences, give American Indians a distinctly different pattern of exposure to environmental risk.

First, American Indian tribes are tied to a particular parcel and land, both culturally and economically. This land is the center of tribal identity and is critical for political culture and economic survival. As a result, the potential impacts of environmental degradation or disaster are enormous.

Second, most Indian tribes lack inadequate environmental infrastructure on which to base sound environmental management decisions. Over the past 20 years, while EPA established partnerships with the States, tribes were underserved due to legal uncertainties and political powerlessness. While EPA's Indian policy established necessary framework for creating strong tribal EPA partnerships, tribes still often lack the infrastructure, resources and expertise to sustainably manage their lands.

The vulnerability is all the more critical when the risk profile for American Indians is extended out into the future. Tribes are among the fastest growing population groups in the U.S., a trend that will place additional pressures on limited reservation resources. Already tribes face endemic poverty and severe unemployment and are investigating a variety of options to increase employment and income on reservations.

All of these options, from oil and gas development to tourism, to waste disposal, will have environmental impacts that will require planning and management.

As the pressure to pursue these developments increases, will tribes have the resources to address the problems they bring? Unless EPA makes significant changes, the answer to this question will be no.

Mr. President, significant change is, I believe, clearly called for, and one of the 12 Assistant Secretaries authorized in this bill should at least be devoted to Indian land.

There are several misstatements in the response to my questions on the part of the EPA, but since I have not had the chance to examine those answers, I will only say that clearly they have not targeted enough resources to Indians. In fact, two-tenths of 1 percent of the EPA's total budget has gone to

native American reservations. EPA has not made sufficient progress in working directly with the tribes.

Frankly, Mr. President, I will read in just a minute the views of numerous tribes that are critical of the EPA. In addition, the St. Louis Dispatch series on environmental programs on reservations reported that EPA's failures in Indian country caused an uprising within the Agency in 1990. That was now the employees of EPA felt about it. I could go on and on in this regard.

I would just like to quote, Mr. President, from several letters from Indian tribes that I received. The All Indian Pueblo Council said:

We certainly feel strongly about establishing an office such as the Assistant Secretary for Indian Lands.

The Seminole Indians' view is that the structure could most effectively begin to address tribal governmental concerns and facilitate the implementation of Federal environmental laws in Indian country would be provision for the appointment of an Assistant Secretary for Indian Lands. The Minnesota Chippewa Tribe's President said:

I want to express the tribe's strong desire for Congress to put language into this law which mandates the establishment of an Assistant Secretary for Indian Lands.

The chief of the Cherokee Nation said Not only has funding been inadequate, but the use of EPA coordinators . . . has essentially been window dressing. We recommend that the pending legislation be amended to provide for the establishment of an Assistant Secretary of Indian Affairs.

The president of the Navajo Nation wrote:

We support the creation of an Assistant Secretary or comparable position.

In New Mexico, the National Tribal Environmental Council wrote:

It is our belief that the failure of EPA to fulfill its obligations to Indian people and tribal governments is in large degree a direct result of the failure to have a consistent and credible force for Indian interests at the policy levels of the agency.

Mr. President, I have not had the chance to examine the responses of EPA, but the people who they are ultimately responsible to, the native Americans, clearly believe, unequivocally and unanimously believe, that their concerns are not being properly addressed. This amendment is one way—and by the way it is not the only solution, Mr. President—but is one way that their concerns will be more equitably addressed.

Again, I would like to point out, Ms. Browner in her testimony said she wanted to work with me and discuss these problems. I never heard a peep out of her and her agency.

We submitted specific questions to the EPA. They decided to send the answers to Senator GLENN. I certainly appreciate him receiving those answers. It would have been in keeping with the

custom around here to respond to the Senator who asked the questions. But I would put that all aside; it is relatively unimportant because clearly their answers are unsatisfactory.

Mr. President, for the life of me, I do not understand the resistance here. Perhaps my friend from Ohio, and he is my dear and close friend, can explain to me why they should resist the simple recognition of the kind of environmental disasters that are taking place on a daily basis on Indian reservations, that we should not give them the attention they deserves.

So, Mr. President, I reserve the remainder of my time.

Mr. GLENN. Mr. President, I yield myself such time as I may require.

I reply to my good friend from Arizona that we did not try in this bill to delineate any of the things that might be at the Assistant Secretary level. What we did put in, we said that there is a list of things that have been looked at over there before. We specifically put in that we did not limit the Assistant Secretaries to any of these. In the Secretary's wisdom, they can make any quarter they want. And the reason we did not do this is because some of these may be combined with others in the way they are going to be organizing. But we had such things as, I repeat again, but not limited to enforcement, compliance monitoring, research and development, air, radiation, water, pesticides, toxic substances, solid waste, hazardous waste, hazardous waste cleanup, emergency response, international affairs, policy, planning and evaluation, pollution prevention, congressional affairs, intergovernmental affairs, public affairs, and administration and resources management.

Quite obviously, in consideration of any land within the continental borders of the United States, many of those things will overlap in all sorts of areas including areas that are non-Indian lands, including Indian lands.

I would say the consideration of Indian land would come under maybe nearly every one of those things in addition to all the other geographic areas of the United States.

I just point that out to indicate that we looked at this as giving the new Secretary good flexibility. Now, she has stressed at her hearings and also in the answers to the statements that we got just a few minutes ago here as I indicated I think a sensitivity to this problem and I hope she moves in this area.

Whether she wants to make a separate Assistant Secretary for Indian Affairs, I do not know whether or not that would be appropriate in the way that they outline their concerns. She says she is setting up an EPA tribal committee involving representation from tribal governments from all regions of the country. And she wants an Indian voice there. They are going to



make increased efforts to recruit qualified tribal members to occupy positions in all programs and all levels within the agency which would include, as I interpret that, all of these areas and perhaps even more that I mentioned a moment ago. So we have their assurance they are going to work toward that end.

I would hate to start dictating exactly what would be Assistant Secretaries and what would not be Assistant Secretaries, and so I regret that I have to oppose this amendment. Let me say once again that had I known the statement that I gave a copy of just a moment ago to my friend from Arizona—had I known this was coming, I would have made sure the Senator had that here. I do not know whether or not it was sent at the same time to the Senator's office. It may be there because these pages are labeled 12:06, 12:07, 12:08. That is less than 1 hour ago right now. And so the Senator may have it available. The staff brought it to me on the floor. I did not even get a chance to look at this in the office this morning.

I am glad they did respond because it helps in the discourse on the floor.

I reserve the remainder of my time.

Mr. MCCAIN. Mr. President, if I may respond, the Senator has always treated me with the utmost courtesy and consideration. We have known each other for many years. I am keenly aware of the fact that my friend from Ohio would share with me whatever information he received on my behalf at the earliest possible opportunity.

Mr. President, I would like to make a couple of additional points.

The EPA either does not know or does not understand a fundamental fact. That fundamental fact is that our relationship with native Americans is a unique one. It is a trust responsibility.

Mr. President, one of the arguments made by the EPA and others is, well, if you give this to native Americans, then the counties and the States and other organizations should have the same kind of designated Assistant Secretary. As I say, someone who pursues that argument simply does not understand the reality that we made solemn treaties with native Americans when we took basically everything from them, and then we gave them the poorest parts of our Nation. Those trust responsibilities are written in solemn treaties. We did not make treaties with counties. We did not make treaties with cities. Although there are certainly definitive Federal-State relationships, we did not make solemn obligations along the same lines as we did with native Americans.

What is happening on these reservations? What is happening today? Let me quote from a Boston Globe article of June 23, 1991:

From Connecticut to California, disposal companies have come up with a novel

scheme for handling wastes so rancid or toxic that no city or town will take them.

Give them to the Indians.

The firms pursue deals with the Sioux, Navajo, Chowtaw, and more than a dozen other tribes—for understandable reasons. Reservations offer 52 million acres of open space along with exemption from State environmental laws and most State and local taxes.

Indians risk scarring their cherished landscape with dumps that often leak and seldom deliver promised economic rewards, while the rest of the country in effect shunts the dumps it rejects onto those less able to resist.

"They've got to find a place to dump it and possibly the easiest is to dump it on the Indian people. We don't have the resources to deal with it or the political power," said William Koenen, a leader of the Chippewas.

Mr. President, another article from U.S. News & World Report of January of this year reported:

For Native Americans, it is a modern twist of an old aphorism: beware of white men bearing gifts. The Nation's Indian tribes, most of them impoverished and ignored, suddenly find themselves being wooed with offers cumulatively amounting to hundreds of millions of dollars. There is, of course, a catch: The Indians are being asked to accept what the rest of America increasingly wants no part of—garbage, toxic waste, landfills, incinerators, and nuclear-waste dumps. To some tribes, the offers represent a financial windfall and an economic development opportunity. To others, they are an ill-disguised bribe and a Faustian bargain.

Mr. President, we have clearly not provided these people with the protection and assistance that they need. Frankly, I think it is unconscionable that a simple cost-free appointment of an Assistant Secretary for Indian Affairs, which would send a message to native Americans throughout this country that we at least care enough to make an appointment regarding the oversight of the tragedies that are taking place every day on their reservations, is to me a very small symbol and one that costs the Federal Government virtually nothing.

So I reserve the remainder of my time.

Mr. GLENN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Ohio has 13½ minutes remaining.

Mr. GLENN. Mr. President, I yield myself such time as I may require, but I think we have pretty well covered the subject. I do not know whether the Senator from Arizona has other people coming to speak to this subject or not. I have no one that I know of on our side of the aisle.

Does the Senator wish to move to a vote and yield back time?

Mr. President, I ask unanimous consent that—

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

Mr. GLENN. The time will be charged equally to both sides while we are in a quorum call.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that certain letters from Indian tribes be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOBBS, STRAUS, DEAN & WILDER,

Washington, DC, March 11, 1993.

Senator JOHN MCCAIN,

Vice-Chairman, Senate Indian Affairs Committee, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: We write on behalf of our client, the Seminole Tribe of Florida, to comment regarding S. 171, legislation to establish the Environmental Protection Agency (EPA) as a Cabinet-level Department of the Environment.

From the outset, we express our thanks that as the Vice-Chairman of the Senate Indian Affairs Committee and as a member of the Senate Governmental Affairs Committee, you have actively sought a commitment from Administrator Browner that EPA will be responsive to tribes' concerns at the policy level. Furthermore, we appreciate the fact that you have invited Indian country to give input to possible amendments which you might offer to S. 171 which would ensure that the organizational structure of the proposed new Department of the Environment will address the policy concerns of tribal governments.

The Seminole Tribe has five Reservations in southern Florida, including two large rural Reservations and three smaller urban Reservations. Over the last several years, the Tribe has assumed an increasingly prominent role in environmental protection. The Tribe's Utilities Department administers the public water supply systems and wastewater treatment systems on the two rural Reservations, and also manages the solid waste disposal program. The Tribe's Water Resources Management Department (WRMD) regulates consumptive water uses, as well as storage and management of surface waters, pursuant to the 1987 Water Rights Compact with the State of Florida and the Tribal Water Code. The WRMD carries out water quality monitoring and other planning programs with assistance from EPA. The WRMD has been charged by the Tribal Council with developing a water quality regulatory program, and the Tribe has received financial assistance from the Administration for Native Americans to support this effort. The Tribe recently applied to EPA for treatment as a state for the purpose of setting water quality standards under the Clean Water Act.

Generally, we have three comments to S. 171 as currently worded. In the view of the Seminole Tribe, the structure that could most effectively begin to address tribal governmental concerns and facilitate the implementation of federal environmental laws in

Indian country would be a provision for the appointment of an Assistant Secretary for Indian Lands. We suggest that the bill be amended to provide expressly that one Assistant Secretary would have overall responsibility for overseeing the administration of federal environmental laws in Indian country, in a manner consistent with the sovereign authority of tribal governments.

We do not think, however, that an Assistant Secretary for Indian Lands will be enough. Indian country was virtually ignored by EPA for more than a decade after the Agency was created. Nearly another decade has passed since EPA adopted its 1984 policy for Indian lands, and still Indian country does not seem to receive an equitable share of the Agency's resources and attention. We are concerned that, if the Assistant Secretary for Indian Lands were charged with the total responsibility for implementing federal environmental laws in Indian country, the new Department's program for Indian country likely would be second rate, a duplicate of the mainstream program but with less resources. Accordingly, we think that all of the offices and bureaus of the new Department should have a role in protecting the environment of Indian country. All of the Assistant Secretaries should be charged with ensuring that the offices and bureaus under their supervision develop programs specifically tailored to the implementation of federal environmental laws in Indian country. Therefore, we recommend that the Assistant Secretary for Indian Lands be given a mandate to initiate Department-wide activities to ensure that all of the Department's offices and bureaus are responsive to the needs of tribal governments and the Indian people. This mandate should be expressed in statutory language in the Findings section of S. 171 as a direction to the Secretary.

We also recommend that two other sections of S. 171, as presently worded, be amended to include references to Indian tribes. These are section 109, which would authorize grants to states and local governments for assistance in gathering environmental data, and section 305, which would establish advisory groups for a Commission on Improving Environmental Protection. In section 109, grants should be authorized to tribes as well as states and local governments. In section 305, tribal officials with experience in administering environmental protection programs should be represented on the advisory group, in addition to federal and state officials.

Again, on behalf of the Seminole Tribe of Florida, thank you for the opportunity to present our ideas on this very important legislation.

Sincerely,

HOBBS, STRAUS, DEAN &  
WILDER,  
(By) DEAN B. SUAGEE.

MENOMINEE INDIAN TRIBE

OF WISCONSIN,

Keshena, WI, March 16, 1993.

Senator JOHN MCCAIN,

Vice Chairman, Senate Select Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The Menominee Indian Tribe thanks you for the opportunity to comment on the language of the Senate Bill 171 to establish the Environmental Protection Agency as a Cabinet-Level Department of the Environment. I feel by integrating my suggestions the EPA can enhance relationships with our Tribal Government. Facilitat-

ing a floor amendment, before the full Senate, would strengthen the established structure the EPA and the Menominee Indian Tribe on government-to-government relations already in place.

Listed below are the changes the Menominee Indian Tribe encourages to S. 171 to improve the text:

1. Title I—Section 104. Assistant Secretaries. Page 7, line (19) insert after 10; "of which, at a minimum, (1) shall be responsible for coordination on Indian Lands."

2. Title I—Section 107. Office of the Inspector General. Page 13, line (22) insert after Department; "Indian Tribe."

3. Title I—Section 109. Grant and Contract Authority for Certain Activities. Page 17, line (14) insert after State, "Indian Tribes."

4. Title II—Section 201. International Energy Conference. Page 33, line (12) insert after all, "Indian Tribes."

5. Title III—Section 301. Establishment; Membership. Page 34, line (10) insert after organization, "and at a minimum, one (1) expert on Indian Lands."

6. Title III—Section 305. Advisory Groups. Page 36, line (23) insert after Agency, "Indian Tribe officials."

Thank you for the opportunity to provide dialogue on this salient legislation for the Menominee Indian Tribe.

Sincerely,

GLEN MILLER,  
Chairman.

MICCOSUKEE TRIBE OF INDIANS

OF FLORIDA,

Miami, FL, March 10, 1993.

Senator JOHN MCCAIN,

Vice Chairman, Senate Indian Affairs Committee, 838 Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: Thank you for the opportunity to provide input on behalf of the Miccosukee Tribe of Indians of Florida regarding S. 171, legislation which, chiefly, would make the Environmental Protection Agency (EPA) a Cabinet-level department by establishing a Department of the Environment. We appreciate your efforts as the Vice-Chairman of the Senate Indian Affairs Committee, before which S. 171 is pending, to ensure that the organizational structure of the proposed new Department of the Environment will provide for the policy concerns of tribal governments to be addressed.

In our view, the structure that could most effectively begin to address tribal governmental concerns would be a provision for the appointment of an Assistant Secretary for Indian Lands. This Assistant Secretary position could be one of the ten Assistant Secretary positions already authorized under S. 171, but the bill should expressly provide that one Assistant Secretary will have overall responsibility for Indian Lands. We think that an Assistant Secretary for Indian Lands is needed because for most of the last two decades, the implementation of federal environmental laws in Indian Country was simply not a priority for the federal government. While Congress began to correct this several years ago by amending some of the federal laws to authorize tribes to be treated as states for purposes of helping to carry out the federal laws, it will take many years to make up for past neglect.

The appointment of an Assistant Secretary for Indian Lands should not limit the responsibilities of the other Assistant Secretaries to ensure that offices and bureaus under their supervision carry out federal environmental laws in Indian country. The same range of environmental problems exist in In-

dian country as in the rest of the country, and thus we think that all of the offices and bureaus of the new Department should have a role in protecting the environment of Indian country. If the Assistant Secretary for Indian Lands were charged with the responsibility for directly overseeing the administration of all federal environmental laws in Indian country, we are afraid that the new Department's program for Indian country would be stretched too thin and would be a second-rate effort.

For these reasons, we believe that an Assistant Secretary for Indian Lands should be given a mandate to initiate Department-wide activities to ensure that all of the Department's offices and bureaus are responsive to the needs of tribal governments and the Indian people. This mandate should be expressed in statutory language as a direction to the Secretary. Language stating such an objective should be added to the Findings section of S. 171.

Two other sections of S. 171 as presently worded should be amended to include references to Indian tribes. These are section 109, which would authorize grants to states and local governments for assistance in gathering environmental data, and section 305, which would establish advisory groups for a Commission on Improving Environmental Protection. In section 109, grants should be authorized to tribes as well as states and local governments. In section 305, tribal officials with experience in administering environmental protection programs should be represented on the advisory group, in addition to federal and state officials.

Again, on behalf of the Miccosukee Tribe of Indians of Florida, thank you for the opportunity to present our ideas on this legislation, and for your efforts to make certain that the voices and concerns of tribal governments are represented in a new Department of the Environment.

Sincerely,

BILLY CYPRESS,  
Tribal Chairman.

COUNCIL ANNETTE ISLANDS RE-  
SERVE, METLAKATLA INDIAN COM-  
MUNITY,

Metlakatla, AK, March 8, 1993.

Hon. JOHN MCCAIN,

Vice Chairman, Senate Select Committee on Indian Affairs, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: This letter is to provide the views of the Metlakatla Indian Community of the Annette Islands Reservation, Alaska on the encaptioned legislation.

We encourage the effort to have the legislation include a structure in the Department of the Environment to improve the agency's relationship with tribal governments. We suggest the appointment of an Assistant Secretary for Indian Lands in the new department.

We note that the bill as introduced contains no reference to tribes or Alaska Native villages in Section 104, Section 109 and Section 305 and urge that the final legislation contain such reference.

We appreciate the opportunity of providing tribal input.

Sincerely yours,

VICTOR C. WELLINGTON, Sr.,  
Acting Mayor.



MANDAN, HIDATSA, & ARIKARA NATION, FORT BERTHOLD INDIAN RESERVATION,

New Town, ND, March 24, 1993.

CAROL BROWNER,

EPA Administrator, U.S. Environmental Protection Agency, Washington, DC.

DEAR MS. BROWNER: The Three Affiliated Tribes of North Dakota have been utilizing federal funding for environmental programs since 1981. During this time the Tribe has developed a very comprehensive, structured and viable Environmental Program to protect the quality of the Fort Berthold Indian Reservations' environment which is comprised of 986,000 acres and is home to the Mandan, Hidatsa and Arikara Tribes. The main industries operating in the area are agricultural or oil and coal related.

Presently the Environmental Division consists of an Air Monitoring, Pesticide Enforcement, Radon, 106 Water Quality, 319 Nonpoint Source, Water Resources, Solid Waste, and Geographical Information Systems Program. The tribal GIS Program, which has stand alone capabilities, is currently developing watershed delineation, vulnerability mapping and utilizing a Global Positioning System (GPS) to enter pollution sources onto the GIS System. The Division has a current staff compliment of eleven people, four of which have hard science degrees.

The Tribes have established by resolution a Solid Waste Code, Pesticide Code, Hazardous Substances Control Act, Emergency Pollution Control Ordinance and an Administrative Procedure Act. These ordinances enhance the Tribes' authority to regulate activities affecting the quality of the Reservation environment and to protect human health and welfare.

The Tribal Administrative Procedure Act will ensure that tribal environmental programs will be implemented in compliance with tribal law and basic principles of common sense, justice and fairness.

The Tribes have also completed a four year Water Resource Assessment of the Reservation in conjunction with the USGS, have performed a Point Source Inventory, two Nonpoint Source Inventories, one Emissions Inventory and have begun a Radon Study of the Reservation.

Scientific studies have proven that both the non Indian and the Indian populations of the Fort Berthold Indian Reservation are possibly at risk of certain health ailments. Fort Berthold has one of the highest cancer rates in the nation. Studies have revealed pesticides in our streams, aquifers and Lake Sakakawea where water intakes are located that service many of our communities. Industrial waste has also been detected in two of our aquifers and arsenic in the Lake. Our Air Monitoring Program has recorded consistently increasing levels of sulfur dioxide in the air, and we have recorded very high radon readings in certain segments of the Reservation (glacial till areas containing granitic rock).

Studies have also revealed that we are underlain by vast fields of coal and substantial geologic oil and natural gas traps. Major air pollution sources between ten and forty miles from the Reservation include six coal fired power plants, one colossal coal gasification plant (which was fined one million dollars by EPA), extensive oil fields (which flare sour gas) and four natural gas refineries. Oil fields also produce hazardous waste in drilling muds are a source of the carcinogen, benzene and extract salt which can contaminate valuable aquifers.

The Tribes' Environmental Program is consistent with the United States Environ-

mental Requirements of Federal and Tribal Law. The Tribes' special environmental legal counsel—Stoel, Rives, Boley, Jones and Grey—in carrying out this plan, shall allocate sufficient funds from the annual appropriation to achieve substantial completion of the plan.

If you have any questions, please contact the Tribes' Environmental Division Coordinator, Kyle Baker at (701) 627-4569.

Sincerely,

WILBUR D. WILKINSON,  
Tribal Chairman.

COUNCIL OF ENERGY RESOURCE TRIBES,  
Denver, CO, March 1, 1993.

Hon. JOHN MCCAIN,  
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: Thank you for requesting our views concerning the protection of Indian lands under S.171, a bill to elevate the Environmental Protection Agency to the cabinet level and rename it the Department of the Environment. We share your concern that S.171 does not provide addressing Indian lands nor for carrying out its intergovernmental responsibilities with Indian tribes.

As part of a comprehensive overview of energy, economic and environmental policies, we propose an Office of Tribal Programs be established, funded by an Indian set-aside and administered by an Assistant Secretary. The fuller text of our views is attached. We have all been frustrated by the slowness of EPA in implementing its Indian Policy.

I would be happy to provide any additional information you may need.

Sincerely,

A. DAVID LESTER,  
Executive Director.

#### TRIBES AND PUBLIC POLICY

It is almost impossible for other Americans to comprehend the degree to which federal policy affects Indians and our Tribal governments. The intimacy of the relationship has no equal in the experience of states and their political subdivisions. Thus when changes occur in federal policies or programs, Indians often experience exaggerated impacts. The last major changes in federal Indian programs occurred early in the Reagan-Bush years. In 1981, federal aid was slashed by more than 33%. This created hardships for Tribal governments and severe economic and social dislocations for people living in our communities. Indian expectations for the Clinton presidency are high. We expect a new sensitivity to our diversity. We expect new understanding of our rights and the importance we place on the exercise of Tribal sovereignty. We expect equity and fairness with respect to our water, energy and other trust resources. We anticipate targeted support for Indian social and economic progress that respects our values and priorities. History has taught us that good intentions are not substitute for sound policy, wisely implemented. So in our excitement of raised expectations, it is worthwhile to reflect on the Tribal-federal protocols that have been learned from an often stormy past.

First among these protocols is federal flexibility. The particular social, economic, political and cultural realities of each Tribe require special effort to tailor programs to specific facts if we are to achieve the policy goals of self-government, social progress and economic growth. Federal rigidity is a recipe for conflict, frustration and failure that no one can afford; least of all Indian peoples.

The second protocol flows from the first; that a solution or settlement worked out consensually with one Tribe does not rep-

resent a model—and certainly not a strait-jacket—to which other Tribes must adhere to obtain settlement or resolution. This is as true in community-based health promotion and disease prevention as it is for Indian water settlements or energy development agreements. Tribes were created by a Higher Authority long before the factory concepts of standardized parts became fashionable. It seems that a Higher Authority placed little value in federal administrative convenience, while endowing all peoples with an inextinguishable will to be who they are and a striving to develop according to their sacred values.

The corollary to this second protocol is that the federal-Tribal political relationship is bilateral. While Tribes are willing to work within a framework of general Indian policy and programs, they will not submit to being treated as if they are nothing more than administrative extensions of the federal programs that they are "allowed" to operate. This protocol is called the government-to-government relationship.

Finally, the bedrock protocol. Indian Tribal governments share with the states and the American central government the burdens of sovereignty. Tribes are the third sovereign and help form the fabric of governance in the United States. Tribes are not creatures of federal invention nor are Tribes political subdivisions of states. Tribal self-governance predates both by quite a few millennia. Tribal Sovereignty is the first principle of Tribal-federal relationships.

#### INDIAN ENVIRONMENTAL POLICY

Building upon the three protocols of the Tribal-federal relationship and the Indian Policy of the Environmental Protection Agency, we now turn to Tribal environmental policy issues. The energy resource owning Tribes seek to protect our environmental values, our lands and our sovereignty. We seek to extend the benefits of national environmental protection law to Indian lands in a manner that is respectful and reflective of each Tribes' rights, priorities and culture. We do not view protection and development as polarized, mutually exclusive values. Rather, we view both as moral imperatives that define a pathway for each Tribe to be and to become as guided by its vision.

#### ENVIRONMENTAL PROTECTION AGENCY (EPA)

In the mid-1980s, EPA promulgated a comprehensive Indian policy and committed itself to an enlightened approach in working with Indian Tribes. EPA pledged an honest effort throughout its operations to remove barriers and proactively include Indian Tribes in its programs. The policy is sound, but the promise remains unfulfilled.

The policy is an important foundation for protecting Indian lands. To build upon and bring EPA actions in congruence with its Indian policy, we offer the following recommendations.

The energy resource owning Tribes recommend that EPA reaffirms its Indian policy and develop implementation strategies in consultation with Tribes for FY 94 and subsequent years.

**Rationale:** The reaffirmation of the EPA Indian Policy, while largely symbolic, is important because it sets forth the Agency's commitment to Indian Tribes.

The development of a multi-year implementation strategy is necessary for consistent application of the policy within EPA programs and regional offices. The cause of Indian environmental protection is very compelling. Many EPA personnel are highly mo-

tivated; if this were not so, we would not have achieved the progress to date. But, individual subjectivity in policy implementation is no substitute for institutional commitment, particularly when it comes to the hard issues of allocation of scarce program resources.

The energy resource owning Tribes recommend that EPA create an Office of Indian Tribal Programs.

**Rationale:** The treatment by EPA of Tribes as states is an innovative and enlightened approach for recognizing the sovereignty and governmental responsibilities of Tribes in the national environmental regulatory arena. But even the uninformed can easily see that Tribes are not states. While Tribes have power over their jurisdiction that parallel state authority over non-Indian lands in the state, Indian Tribes and states have significant legal, political, economic and cultural differences. And, each has a different constitutional and historical relationship to the American federal political system. Tribes require a non-categorical integrated approach to environmental programs. These programs operate in cultural and institutional settings very different from those of states. Therefore, EPA's Indian programs cannot be appendages to its state delivery system.

We recommend that EPA allocate funds to support regional Tribal Environmental Councils for each EPA region serving Indian Tribes. And, that EPA provide financial support for the National Tribal Environmental Council (NTEC).

**Rationale:** The protocols of EPA-Tribal relationships require great efforts on the part of EPA and each Indian Tribe. The national and regional Tribal Environmental Councils could serve to improve the effectiveness and efficiency between Tribes and the EPA. These multi-Tribal environmental organizations would parallel similar EPA-supported environmental associations of state governments.

We further believe that a national and regional structure for Tribes could be valuable in reducing Tribal-state conflicts that arise within the U.S. system of shared sovereignty. Cooperation between states and Tribes could be expanded. Merely creating Indian advisory bodies made up of individuals, or including a few Indians in state groups, ignores the protocols for effective working relationships with Indian Tribes.

We recommend creating a 3% Indian set-aside for funding Tribal environmental protection programs.

**Rationale:** Indian Tribes became eligible to participate in EPA programs nearly twenty years after the enactment of major environmental statutes. As a result, they have been denied participation in the early environmental capacity-building EPA programs. Among those EPA programs from which states benefitted, but are no longer available to benefit Indian Tribes are: education and training programs; institutional development, equipment and facilities; baseline data and assessments, research and development of technologies pertinent to state prevention and remediation priorities; and major public works grants programs for environmental infrastructure such as water treatment plants.

Until the Tribes convinced Congress to adopt Indian provisions in the environmental statutes beginning in the mid-1980s, Indian lands were in a strange limbo. Statutes, such as the Safe Drinking Water Act, are clearly intended by Congress to cover all of the United States. The enforcement pattern was to be respectful of the federal system of

shared sovereignty with states. But, states lacked jurisdiction over Tribes. Neither the Bureau of Indian Affairs (BIA) nor the Indian Health Service (IHS) in the Department of Health and Human Services (DHHS) has enforcement authority. EPA was not given specific regulatory powers over Indian lands and no authority delegated powers of Tribal governments.

It is this serious defect that we want to cure with this recommendation: to provide EPA with sufficient resources and a delivery system to assist Tribes in developing their ability to regulate and enforce compliance of federal standards (or higher Tribal Standards) as they undertake the development of their economies. Experience clearly indicates that given program flexibility through an Indian EPA programs delivery system, Tribes will acquire the capability of extending environmental quality over our lands equitably and fairly.

The energy resources owning tribes recommend the Superfund be made accessible to Indian Tribes by establishing criteria for Indian lands equivalent to that for non-Indian lands.

**Rationale:** Indian lands have been seen by many irresponsible persons as a safe place to dump or otherwise violate our land's environmental integrity. Since we have not enjoyed protection by any enforcement agency, we have an abundance of sites that warrant characterization and remediation. Criteria for prioritization on the Superfund List works in a discriminatory fashion against Indian lands. The assessments of cost-benefit and risk analysis are designed to address and urbanized country and ignore rural low population areas.

Indian Tribes are separate peoples. A Tribe whose lands and population seem small is endangered by pollution to a high degree. That is, a higher percent of both people and lands is affected. But, by current standards the Tribe and its lands rank too low for national listing and, therefore, remediation.

A more equitable approach would be to develop criteria that measure risk on a Tribe scale. This would result in addressing the highest threats to Tribes as is done for other U.S. jurisdictions.

We recommend that in the Office of Indian Tribal Programs a special regulatory and enforcement unit be established to support local Tribal regulatory enforcement authority.

**Rationale:** One of the inequitable features of Tribal governmental powers that distinguishes us from states is the enforcement powers of Tribes over non-Indians, corporations, state and federal activities. This is particularly so when it comes to protecting our environment. Tribes do not have criminal jurisdiction in any case and have limited sanctions in all cases. Additionally, Tribes do not have the resources to develop the facts and evidence in highly complex sciences or to establish the linkages to the health and public safety of those who live and do business within Tribal jurisdictions. This is particularly problematic when the polluter is a federal agency, utility or other entity whose presence is to serve the Tribe. The present Office of Federal Activities (OFA) is unable, given its resources, to perform this support function. A special unit designed to operate within established Indian Law in support of Tribal enforcement activities is needed to bring the level of enforcement, and the authority to do so, up to parity with that of other American jurisdictions.

We recommend that in the Office of Indian Tribal Programs a special division of re-

search, technology and technology transfer be established to support the long-term development of technology for Indian environmental protection.

**Rationale:** The continuation of technological progress is at least as important to Indian Tribes as to states and cities. To make this possible, an organized effort led by EPA is vital. In addition to bringing technological innovation to Tribes, this special unit should make Tribal technology available to states and their rural communities. A special focus for this unit will be technology for developing countries opening access to new foreign technology, but more importantly, to supply the technological needs of developing rural third world peoples.

And finally, we recommend that a division for education and training be established in the Office of Indian Tribal Programs.

**Rationale:** No past federal failure in Indian Affairs equals that in Indian education. No greater opportunity exists for gains in achieving the ends of EPA Indian Policy than an aggressive education and training program integrated into each Tribe's specific capability development plan.

LOWER ELWHA TRIBAL COUNCIL,  
Port Angeles, WA, March 3, 1993.

Senator JOHN MCCAIN,  
Senate Select Committee on Indian Affairs, Senate Hart Building, Washington, DC.

DEAR SENATOR MCCAIN: The Lower Elwha S'Klallam Tribe understands that the Senate is considering S. 171, a bill to establish a Department of the Environment. During your deliberations, we urge you to consider including provisions to establish the position of Assistant Secretary for Indian Lands or Indian Programs.

The unique jurisdictional concerns and governmental needs of Indian country require an advocate at the policy level. Tribes confront extreme difficulty in resolving environmental quality issues due to the conflicting roles played by the EPA, the Bureau of Indian Affairs and the Indian Health Service. In addition, the past serious lack of attention by the Federal government to the complex environmental regulatory and enforcement scenario facing Tribal governments compounds future discussions within the department.

An Assistant Secretary for Indian Lands within a Department of the Environment would be able to respond to these and other issues. For example, an Assistant Secretary for Indian Lands could deal as a co-equal with the Assistant Secretary of Indian Affairs within the Department of the Interior and with the Director of the Indian Health Service within the Department of Health and Human Service to resolve any conflicts over appropriate roles and missions. Moreover, instead of fragmented and possibly duplicative efforts directed at Tribal issues from various EPA programs and divisions, centralizing the focus of the Department's delivery of assistance to Indian country would allow more and better resources to be delivered.

We hope that you and other members of the Select Committee on Indian Affairs will advocate for an Assistant Secretary for Indian Lands within a much needed Department of the Environment.

Sincerely,  
CARLA J. ELOFSON,  
Chairperson.



ALL INDIAN PUEBLO COUNCIL,  
Albuquerque, NM, March 2, 1993.

Senator JOHN MCCAIN,  
Vice Chairman, Senate Select Committee on Indian Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: Thank you for your inquiry regarding the establishment of an Indian Office in the Environmental Protection Agency. We certainly feel strongly about establishing an office such as Assistant Secretary for Indian Lands for purposes of advising the Administrator and hopefully soon, Secretary, about Indian issues and concerns. While, in our experiences with EPA, Dallas Regional Office, and the headquarters office in Washington, DC., has been cooperative, it is mainly advisory. By having an Indian Office at the highest level within the Agency would be more beneficial for Indian interests and purposes because such an office would convey information and advice from within.

As you well know, States have no authority over Indian reservations and consequently are guarded against sharing funds to Indian tribes for environmental purposes. It is our belief that by the establishment of a small but necessary Indian arm in EPA would be a great improvement on the present situation.

Enclosed is a letter the nineteen Pueblos had recommended to the Clinton Transition Team. It reflects a broader concept that would consolidate Indian activities in one department which we think is a more appropriate and effective way than the scatter-gun approach presently in place and would benefit the Indians more adequately.

Again, thank you for seeking our advise.  
Sincerely,

JAMES S. HENA,  
Chairman.

THE MINNESOTA CHIPPEWA TRIBE,  
Cass Lake, MN, March 5, 1993.

Hon. JOHN MCCAIN,  
U.S. Senate, Select Committee on Indian Affairs,  
Hart Senate Office Building, Washington DC.

DEAR SENATOR MCCAIN: I am writing to express the support of the Minnesota Chippewa Tribe for Senate Bill 171, the law which would elevate the Administrator of the United States Environmental Protection Agency to the President's Cabinet. A Secretary for the Department of the Environment will undoubtedly help the United States Government to better focus its energy in meeting current and future environmental challenges.

Along with our support for S. 171, I also want to express the Tribe's strong desire for Congress to put language into this law which mandates the establishment of an Assistant Secretary for Indian Lands. An Assistant Secretary for Indian Lands would help to concentrate the USEPA's effort to assist Tribes in their development of environmental regulatory programs, a long sought objective.

Thank you for your past support of Tribal Governments. Please let me know if I or my staff may further assist in the passage of S. 171.

Sincerely,

DARRELL WADENA,  
President.

NATIONAL TRIBAL ENVIRONMENTAL  
COUNCIL,

Albuquerque, NM, March 10, 1993.

Hon. Senator JOHN MCCAIN,  
Vice Chairman, Committee on Indian Affairs,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for requesting the views of the National Tribal Environmental Council [NTEC] on legislation that would elevate the Environmental Protection Agency (EPA) to a cabinet level Department of the Environment. In particular, your letter directs our attention to the issue of lack of Indian input at the policy making levels of EPA and by extension, the new Department. It is a matter of serious concern to us.

We support the idea of establishing a policy level position for tribes in the new Department. However, we do not embrace whether it would be more appropriate to establish an Assistant Secretary for Indian Lands or an Office of Indian Lands within the office of the Secretary. We do believe that whatever position is established that it be at a sufficiently high level to address the range of concerns facing Indian tribal governments. The position should assist the Department in addressing its responsibilities on Indian lands in the areas of program development, adequate funding, multi-media program development, and the provision of support and technical assistance to tribal governments in the development of much needed environmental programs. In short, either position should assist the Department to fully implement the EPA 1984 Indian Policy Statement and accompanying Implementation Guidance.

For the past twenty-two (22) years EPA has devoted billions of dollars from the Congress to address the health and environmental integrity of the Nation's people and resources. These dollars have been used to establish and support on-going environmental programs in every setting except on Indian lands. It is our belief that the failure of EPA to fulfill its obligations to Indian people and tribal governments is in large degree a direct result of the failure to have a consistent and credible voice for Indian interests at the policy levels of the Agency.

We earnestly support the suggestion that the new Department of the Environment have a policy level position. But irrespective of whether such a new Department should come to pass, it is extremely important that the issue of an appropriate voice within the environmental agency be addressed.

Finally, we would like to thank you for your support to increase federal funding to assist tribal governments in the 102d Congress. However, we would like to stress that even if a policy position is established there must be substantial increases in federal funding to develop environmental programs on Indian lands.

Thank you for your interest in our views. If you have any questions please feel free to contact me.

Sincerely,

SAMUAL L. WINDER,  
Executive Director.

LOWER ELWAH TRIBAL COUNCIL,  
Port Angeles, WA, April 27, 1993.

Hon. PATTY MURRAY,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MURRAY: The Lower Elwha Klallam Tribe supports the elevation of the Environmental Protection Agency to a Cabinet level Department. We urge you to sup-

port S. 171, and to support Senator McCain's amendment to establish within the new Department of the Environment an Assistant Secretary for Indian Affairs. This amendment could substantially help to bring better coordination and increased attention and funding to the environmental protection of Indian lands. We also urge you to support an amendment to set aside 3% of the EPA budget for Indian environmental protection, as Indian lands represent 3% of the total U.S. land base.

Environmental problems on Indian lands in the United States are complex, widespread, and serious. They require both attention and funding, which will be aided through a permanent high-ranking presence at the policy-making level, and a budget that is proportional to the Indian land base. Indian lands contain many unique and valuable cultural and natural resources that must be maintained and protected. We in the Pacific Northwest are particularly fortunate to live in such a rich and varied environment. The Lower Elwha Klallam Tribe ardently supports environmental protection measures and hopes to see increasing amounts of attention and recognition devoted to environmental issues, particularly on Indian land.

Again, we strongly request your support of S. 171 and the Indian Amendments.

Sincerely,

BEVERLY J. BENNETT,  
Tribal Vice-Chairperson.

WARM SPRINGS, OR,  
April 27, 1993.

Hon. BOB PACKWOOD,  
Russell Senate Office Building, U.S. Senate,  
Washington, DC.

HONORABLE PACKWOOD: On behalf of the Confederated Tribe of the Warm Springs Indian Reservation of Oregon, I am writing to urge you support for an amendment by Senator McCain to establish an Assistant Secretary for Indian Lands within a new cabinet level environmental department. Legislation to create the new environmental department, S. 171, is expected to come up on the Senate floor in the very near future.

An Assistant Secretary for Indian Lands in an environmental department would elevate consideration of Indian issues in that department, help fulfill the federal trust responsibility to Indian Lands, coordinate environmental policies applying to Indian Lands, and provide tribes with "one stop shopping" within the new department.

It is also our understanding that another amendment is being contemplated to establish a 3% tribal set-aside out of all funding for the environmental department, corresponding with the 3% that Indian lands make up of the U.S. land base. Should such an amendment arise, we hope you would support that as well.

Any support you can give these amendments would be greatly appreciated.

Sincerely,

RAYMOND F. CALICA, Sr.,  
Chairman, Tribal Council.

THE NAVAJO NATION,  
Window Rock, AZ, March 23, 1993.

Senator JOHN MCCAIN,  
Vice Chairman, Senate Committee on Indian Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: The Navajo Nation understands that the Senate is considering S. 171, a bill to elevate the Environmental Protection Agency to the President's Cabinet and to rename it as the Department of the Environment.

The Navajo Nation fully supports and endorses this bill but would go further and re-

quest that the bill not leave out a substantial portion of this country's land mass and population uncovered by appropriate environmental protection programs on Indian lands. The Navajo Nation would support the creation of an Assistant Secretary or a comparable position to oversee the tribal needs and concerns at the highest policy-making level within the Agency.

In the past, there have been Special Assistants to the Administrator created to help further the progress of tribal environmental infrastructure development but all to little or no avail.

Therefore, it is the Navajo Nation's position that the bill include an Assistant Secretary for Indian Lands and that a Native American be appointed to this important position.

Thank you for the opportunity to comment.

Sincerely,

PETERSON ZAH,  
President.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the time will be charged equally to both sides, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I yield back all time. I believe I have the only remaining time.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Texas [Mr. KRUEGER], and the Senator from Tennessee [Mr. SASSER], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. FAIRCLOTH] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 16, nays 79, as follows:

[Rollcall Vote No. 108 Leg.]

#### YEAS—16

Breaux	Heflin	Moynihan
Byrd	Johnston	Robb
Chafee	Lautenberg	Rockefeller
Feinstein	Levin	Shelby
Glenn	Metzenbaum	
Graham	Moseley-Braun	

#### NAYS—79

Akaka	Bond	Bumpers
Baucus	Boren	Burns
Bennett	Boxer	Campbell
Biden	Brown	Coats
Bingaman	Bryan	Cochran

Cohen	Hatfield
Conrad	Helms
Coverdell	Inouye
Craig	Jeffords
D'Amato	Kassebaum
Danforth	Kempthorne
Daschle	Kennedy
DeConcini	Kerrey
Dodd	Kerry
Dole	Kohl
Domenici	Leahy
Dorgan	Lieberman
Durenberger	Lott
Exon	Lugar
Feingold	Mack
Ford	Mathews
Gorton	McCain
Gramm	McConnell
Grassley	Mikulski
Gregg	Mitchell
Harkin	Murkowski
Hatch	Murray

Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Roth
Sarbanes
Simon
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

#### NOT VOTING—5

Bradley	Hollings	Sasser
Faircloth	Krueger	

So the motion to lay on the table the amendment (No. 327) was rejected.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to vitiate the yeas and nays that were called for on this amendment and ask for a voice vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Arizona [Mr. MCCAIN].

The amendment (No. 327) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I believe the agreement that was agreed to earlier by both sides was the next amendment up would be the Nickles amendment regarding the Economic and Employment Impact Act, with a 2-hour time limit, evenly divided; is that correct?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Oklahoma is recognized.

#### AMENDMENT NO. 329

(Purpose: To require analysis and estimates of the likely impact of Federal legislation and regulations upon the private sector and State and local governments, and for other purposes)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. REID, Mr. MURKOWSKI, Mr. MCCAIN, Mr. BOND, Mr. MCCONNELL, Mr. HELMS, Mr. GORTON, Mr. COATS, Mr. FAIRCLOTH, Mr. GREGG, Mr. WALLOP, Mr. BURNS, Mr. SHELBY, Mr. COCHRAN, Mr. SIMPSON, Mr. GRAMM, Mr. SMITH, Mr.

KEMPTHORNE, Mr. CRAIG, and Mr. D'AMATO, proposes an amendment numbered 329.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

At the end of the bill add the following:

#### SEC. . ECONOMIC AND EMPLOYMENT IMPACT ACT.

(a) SHORT TITLE.—This section may be cited as the "Economic and Employment Impact Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds that—

(A) Federal regulation is projected to cost as much as \$688,000,000,000 by the year 2000;

(B) the 1992 United States merchandise trade deficit was \$84,300,000,000;

(C) excessive Federal regulation and mandates increase the cost of doing business and thus hinder economic growth and employment opportunities; and

(D) State and local governments are forced to absorb the cost of unfunded Federal mandates.

(2) PURPOSE.—The purpose of this section is to—

(A) ensure that the American people are fully apprised of the impact of Federal legislative and regulatory activity on economic growth and employment;

(B) require both the Congress and the executive branch to acknowledge and to take responsibility for the fiscal and economic effects of legislative and regulatory actions and activities;

(C) to provide a means to ensure congressional or executive branch action is focused on enhancing economic growth and providing increasing job opportunities for Americans; and

(D) to protect against congressional or executive branch action which hinders economic growth or eliminates jobs for the American people.

#### (c) ECONOMIC AND EMPLOYMENT IMPACT STATEMENTS.—

(1) PREPARATION.—The Comptroller General of the United States shall prepare an economic and employment impact statement, as described in paragraph (2), to accompany each bill, resolution, or conference report reported by any committee of the House of Representatives or the Senate or considered on the floor of either House.

(2) CONTENTS.—Except as provided in paragraph (3), the economic and employment impact statement required by paragraph (1) shall—

(A) state the extent to which enactment of the bill, resolution, or conference report would result in increased costs to the private sector, individuals, or State and local governments; and

(B) include, at a minimum, a detailed assessment of the annual impact both positive and negative of the bill, resolution, or conference report (projected annually over a 5-year period from its effective date, and, to the extent feasible, expressed in each case in monetary terms) on—

(i) costs and benefits to United States consumers;

(ii) costs to and benefits to United States business;

(iii) national employment, direct and indirect;

(iv) the ability of United States industries to compete internationally;

(v) affected State and local governments, fiscal and otherwise; (as reported by the Congressional Budget Office);



(vi) outlays and revenues by the Federal Government as compared to outlays and revenues for the same activity in the current fiscal year (as reported by the Congressional Budget Office); and

(vii) impact on Gross Domestic Product.

(3) EXCEPTION.—The economic and employment impact statement required by paragraph (1) may consist of a brief summary assessment in lieu of the detailed assessment set forth in paragraph (2) if preliminary analysis indicates that the aggregate effect of the bill, resolution, or conference report as measured by the criteria set forth in paragraph (2)(B) is less than \$100,000,000 or 10,000 jobs in national employment.

(4) STATEMENT WITH ALL LEGISLATION.—The economic and employment impact statement required by this subsection shall accompany each bill, resolution, or conference report before such bill, resolution, or conference report may be reported or otherwise considered on the floor of either House.

(d) POINT OF ORDER IN HOUSE OR SENATE.—

(1) RULE.—It shall not be in order in either the House of Representatives or the Senate to consider on the floor any bill, resolution, or conference report, whether or not reported by any committee of the House of Representatives or the Senate, unless that bill, resolution, or conference report includes the economic and employment impact statement required by subsection (c).

(2) WAIVER.—A point of order made under this subsection may be waived in the Senate by a three-fifths affirmative vote of Senators, duly chosen and sworn, and in the House of Representatives by a three-fifths affirmative vote of Members, duly chosen and sworn.

(e) EXECUTIVE REGULATIONS.—Each regulation and proposed regulation promulgated by a Federal department or executive agency shall be accompanied by an economic and employment impact statement prepared, in accordance with subsection (c)(2), by the department or agency promulgating the regulation or proposed regulation. The economic and employment impact statement shall be published in the Federal Register together with such regulation or proposed rule-making.

(f) PROVISION FOR NATIONAL SECURITY EMERGENCY WAIVER.—

(1) CONGRESSIONAL ECONOMIC IMPACT STATEMENTS.—The Congress may waive the requirements of subsection (c) at any time in which a declaration of war is in effect, or in response to a national security emergency at the request of the President.

(2) EXECUTIVE REGULATIONS.—The President may waive the requirements of subsection (c) at any time in which a declaration of war is in effect, or in response to a national security emergency as determined by the President in consultation with Congress.

(g) EFFECTIVE DATE.—This section shall take effect 30 days after the date of enactment of this Act and shall not apply to this Act.

Mr. NICKLES. Mr. President, the amendment that I send to the desk on behalf of myself, Senator REID, Senator MURKOWSKI, Senator MCCAIN, Senator BOND, Senator MCCONNELL, Senator HELMS, Senator GORTON, Senator COATS, Senator FAIRCLOTH, Senator GREGG, Senator WALLOP, Senator BURNS, Senator SHELBY, Senator COCHRAN, Senator SIMPSON, Senator PHIL GRAMM, Senator BOB SMITH, Senator DIRK KEMP THORNE, Senator LARRY

CRAIG, and Senator AL D'AMATO is an amendment that says that before Congress passes any legislation we should pass an economic impact statement; we should know how much it is going to cost the economy; before any regulations that are promulgated by the administration become effective, we should know what its impact would be on the economy.

It is a very simple amendment. It is an amendment that is needed.

We have right now environmental impact statements. Before we proceed with construction or something, we now have an assessment to find out what harm, if any, it would do to the environment.

This amendment says, before Congress passes legislation, we should know what we are doing to the economy.

How many jobs will we cost? And we need to know if it helps the economy. We need to know that. Does it hurt the economy? This is information we will be seeking in this amendment.

Likewise with the administration, the cost of economic regulation is enormous. The cost of regulation today exceeds \$4,000 per household in the United States. That is an enormous cost. Think of that. The cost of economic regulation today exceeds \$4,000 per household. And the cost of regulation continues to explode.

So this legislation says, before Congress passes a bill or before an executive agency will pass a final regulation, we should know how much it will cost. How much will it cost the private sector? How much will it cost cities and counties and States to comply?

I know in my case, I had several small town mayors come in and visit me yesterday. They started talking about waste disposal sites and how much it would cost to comply. Frankly, they said they needed more time, it was going to cost a lot of money. The cost of garbage disposal, if it was not changed or postponed, would rise from something like \$6 a month to something like \$60 a month.

They are also aware and concerned about safe drinking water statutes that are on the books right now that require 25 minerals to be monitored. That number will increase to 200 minerals by the year 2000. We have the Resource Conservation Recovery Act. We have the Clean Water Act that deals with wetlands and a lot of other issues. I could go on and on. Increases in minimum wage—how many jobs will that cost? We should know.

We put in language in our bill, I would say de minimis language, that says if the total impact is less than \$100 million, or less than 10,000 jobs lost, we do not have to make this statement. But if we are talking about serious legislation, legislation that will cost over 10,000 jobs or cost the economy more than \$100 million we

should know it, Congress should know it, the executive branch should know it. We should acknowledge it. And maybe it will change the way we vote or the way the administration would carry forward in this proposal—maybe not. At least we would have the facts. At least we would not be able to sit back and say I do not know how that would be administered. I do not know how much it would cost. Gosh, that proposal had very good ideas. It sounded very good, but I had no idea it was going to cost people their jobs.

I can think of countless examples where Congress and/or the administration has had excellent ideas, very noble causes, but yet really did not realize the economic consequences of complying with the stated objectives.

So this is our intention. This is our goal. I do not think any Senator really should object to this legislation. This is good legislation. I will tell my colleagues, this is legislation supported by a multitude of organizations, cities, towns, States, by business organizations and others, that say at least: Congress, or administrative agency, know what the costs are, know what the ramifications are before you pass these regulations, before you pass these laws and make us comply, make the smaller entities raise taxes to comply.

Again, I think this is a very serious amendment. I hope my colleagues will concur. We have raised it on the floor of the Senate in the past. We have had generally supportive statements made by many of our colleagues. I think it is very appropriate and I am hopeful we will adopt this amendment today.

I also want to thank my friend and colleague from Nevada, Senator REID, who has worked with me on this legislation both in the drafting and organization of it. I welcome him as a principal cosponsor and hope my colleagues will follow his advice as well and pass this legislation today.

The PRESIDING OFFICER. Who yields time?

Mr. REID. Parliamentary inquiry, is the time controlled by the Senator from Oklahoma? Will the Senator yield me 15 minutes?

Mr. NICKLES. I will be happy to yield the Senator 15 minutes.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, there has been a lot of partisan bickering going on in these Chambers the last month or so. I want everyone today to recognize this is not a partisan amendment. The legislation, this amendment, is something the Senator from Oklahoma and I have worked on for a number of years, so I want to indicate this is not a partisan amendment. I refer this body to the other body. In fact, there is a similar piece of legislation now pending in the House of Representatives, H.R. 1295. The principal sponsor of that legislation is JAMES MORAN of Virginia.

Not only is he the prime sponsor of this bill, but as of today there are 54 other Democrats sponsoring this legislation, and 45 Republicans. This is an amendment that should be accepted.

Amplifying what the Senator from Oklahoma said, what this legislation would do—not to this bill, this legislation would become effective 30 days after the passage of this bill—but in fact what it would do is allow us, and the American public, when a piece of legislation comes before this body, to know the pricetag. We will know how much it would cost, not only for legislation but in the executive branch of Government we would also know what a regulation would cost the American people.

State and local governments complain all the time—we all hear it when we go back and meet with the county commissioners, the city commissioners, school board trustees—we always hear about their being stuck with Federal mandates. It happens all the time.

In fact it happens so often I thought it would be a good idea if we illustrated what has happened and how much more often it is now happening.

If we look at this chart we find from 1789 to 1959 we had 159 laws enacted, Federal laws that preempted State and local authority. So from this time, right to this time in history, we had the grand total of 159 Federal laws that preempted State and local laws.

From that time to now, that is from 1960 to 1989, we have had 255 laws, and the laws cover a number of different areas as indicated in this chart: Banking, civil rights, commerce. As you note as an example—civil rights, of course, right after the Civil War we had some civil rights legislation. Then we went a long period of time and had none. Then we had, during the last several decades, a spate of Federal laws that impacted on State and local laws. Then we go on through commerce, where we had a significant number of laws that impacted State and local governments, health and safety, the largest category, and then others including taxes, natural resources.

The point is during the last several decades there have been many, many things that have affected State and local government. Not only do we make these mandates burdensome, even when we offer monetary rewards, so to speak, to State and local governments, we many times renege. An example being with Federal-mandated legislation to require the education of the handicapped, something the Congress and the President, approximately 20 years ago, decided was the right thing to do. As we looked around the country we found the handicapped were being educated in one State a little bit, in another State a little bit, but generally not much at all. So the Federal Government said you must educate the

handicapped and that was the right thing to do.

They said it costs about 40 cents a dollar more to educate the handicapped, so we are going to give the States that money. What have we done since the legislation was passed? We are now down to about 5 cents from 40 cents, placing a tremendous burden on school districts throughout the country. We, the Federal Government, did not live up to what we said we would do.

That is an example of where we did offer some monetary support. Most of the time we do not offer anything. We just say: State, local government, we are passing this law and you take care of it any way you can. That is wrong. We need to get a handle on how we do this. And I think one way to do that is through this legislation.

People would no longer, in this body or the other body, be able to say I did not know—I did not know it would cost this much. We would know now.

Some blame the Republicans. Some blame the Democrats. And they are both right because it is everybody's fault.

The National Conference of State Legislators reported President Bush signed 20 bills into law in 1990 alone. That would cost State and local governments billions of dollars.

This is not a partisan issue, as indicated by the legislation that is a companion measure now pending in the House of Representatives. The ADA and the Clean Air Act were needed legislation, as are I think most of the bills we pass. The problem is that the private sector, as well as State and local governments, cannot afford all these things we think are good ideas. Mandates are financially strapping businesses, placing State governments in budget crunches all through this country.

We need to take a look at the regulations and the laws that we pass. We need to know the economic and employment ramifications of the laws and regulations that govern the people of this country. This is not a radical proposal. When I served in the State legislature, when we had a bill that came before us, we knew how much it would cost. Should we not on a Federal level know what it is going to cost the American public? Of course we should. It is a matter not only of good government but common sense.

We are not nitpicking. This legislation is not nitpicking, we are not grasping at straws because the legislation excludes impacts of less than \$100 million; \$100 million. We are not asking for a financial impact statement on something that has an impact of \$100 million, or that affects less than 100,000 jobs. That does not sound like we are nitpicking or grasping at straws. It appears that this is sensible, reasonable legislation, and is something that should have been in effect a long time.

There will be some who will say we already have them. I did not have a chance to return the call, but the Congressional Budget Office called and said, "On this financial impact statement, you required seven things. We already do two of them." Well, let us do all seven of them and let us do them where everyone who can read the English language can see clearly when we pass a bill of if a regulation is promulgated what it does to the American people. This amendment would ensure Congress, the administration, and taxpayers are fully aware of economic impact actions by the Federal Government.

In short, Mr. President, this legislation requires the General Accounting Office to prepare economic and employment impact statements to measure the cost to consumers, State and local governments, businesses, employment, the balance of trade as well as the overall impact on the gross domestic product, something which with the computer industry can be done and with a lot of ease.

I also would require similar statements, as I indicated, from Federal agencies on proposed regulations. According to the National Council of Elected County Executives, Medicaid costs last year to the States amounted to over \$38 billion, which is a fact. They estimate that by 1995, though, that environmental laws will cost State and local governments \$32—it is hard to say it—\$32 billion a year. These are two things we can expect in the future. Should we not, Mr. President, with added laws and regulations, know the additional impact of the laws we pass and the regulations that are promulgated by the executive branch of Government? The answer is, of course we should.

Mr. DORGAN. Will the Senator from Nevada yield?

Mr. REID. I will be happy to yield to my friend.

Mr. DORGAN. Mr. President, I am sorry to interrupt him. I think the idea that he and the Senator from Oklahoma propose is a worthy idea. Certainly, it does make sense for us when we impose mandates to understand the cost of those mandates and the cost of applying them. I want to make one point.

I hear State legislators and others, and State legislatures as a body, appeal to us not to impose mandates on them that are unfunded. Those same State legislators in recent years, including mine, as they have complained about unfunded mandates, have constructed a mechanism of provider taxes in order to milk the Federal system of billions and billions of dollars that they should not be receiving. They construct phony provider taxes for which they reimburse health care providers in order to milk the Medicaid system.

My only observation, as we discuss this, when we respond to local govern-



ments and to State legislatures, their cries about unfunded mandates, we say, yes, you have a point, but understand that we watch your behavior as well. And when you construct phony schemes, called provider taxes, to milk the Medicaid system and increase the Federal deficit by billions of dollars, then you ought to understand we are concerned about that. Responsibility runs both ways.

I make that point not because it relates to unfunded mandates, but because it relates to the behavior of each of these kinds of levels of governments in each body.

I just want to say I am sympathetic to what you are saying. I think you are proposing something that is worthy, but I wanted to make the other point as well. This runs both ways in government.

Mr. REID. Mr. President, I will respond to my friend from North Dakota who, by the way, we are fortunate now to have in this body. The Senator from North Dakota had a long and distinguished career in the other body of which he was a member on the Ways and Means Committee. That committee is the tax-writing committee of the other body and is involved in great detail about how we try to meet the different goals that are, in effect, forced upon the Ways and Means Committee. They have to come up with different ways to arrive at the budget figures, and you are also aware of what State governments have done.

My State did the same thing, but I suggest to my friend from North Dakota, and those others who are watching, that the State of Nevada, and I am sure the State of North Dakota, did it out of sheer desperation. They were laying on the ground gasping for air, principally because of many of the things that we have done: the runaway costs we have with health care and out of sheer desperation gasping for air needing one more breath. I recognize we have to send a message, and I think the colloquy between my friend and me will do that to State governments. I appreciate his comments.

Mr. President, as I have indicated, this legislation requires the GAO to prepare an economic impact statement. I have outlined what should be in that. It would require that on legislation and also regulations. We know the burdens that are placed upon States by virtue of things that we do. And I have listed a couple that account for about \$80 billion a year.

So it is about time we enact a mandate on Congress to force it to look at issues with the whole picture in mind. A vote for this amendment will provide the means to do that.

There was Executive Order 12291, issued in 1981 by President Reagan that called for agencies to produce a regulatory impact analysis and review to reduce the burdens of existing and fu-

ture regulations promulgated by the agencies. OMB would review these statements but not Congress.

My answer to that, and if somebody raises that as a defense to this amendment, I would say, where are they? It was a good idea, but its effectiveness is obviously questioned because very year we pass federally mandated bills of which we do not know the financial impact, and we should. There is a provision in the Budget Act that calls for cost estimates to State and local governments. I say to them, where are they? Perhaps a good idea, but the question I propound is, they are totally ineffective.

Until this legislation was prepared and I was working on it with my friend from Oklahoma, I did not know Executive Order 12291 existed. It must have been a waste of time. We did not know about it here. The American public did not know about it and, as far as that provision in the Budget Act that calls for cost estimates to State and local governments, we need to be on the firing line, not send something to State and local governments. If in fact they do, I doubt they do, but if they do, we need to know. Where are these estimates? Perhaps it was a good idea but totally ineffective and it was not done for the federally mandated things we have done recently. I voted for the Americans With Disabilities Act, but there is not a Member of this body who has not gone home and talked to small business people and large business people who have not been dumbfounded by the cost of this, the financial impact of how much it takes to implement this legislation.

I ask my friend from Oklahoma to yield to me another 5 minutes.

Mr. NICKLES. Mr. President, I yield to the Senator from Nevada 5 additional minutes.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Nevada has 5 minutes of additional time.

Mr. REID. So I say, Mr. President, that it is not a defense to say there is an Executive order that covers this. It is not a defense to say that the Budget Act calls for cost estimates. It has not worked. It has been totally ineffective. And we need to know, as I have indicated by this chart, of the many, many laws we pass which have impact on State and local governments, we need to know how much they cost. That is not asking too much.

It is legislation, I repeat, of the names that were read by my friend from Oklahoma, where there are only two Democrats on it. We introduced this quickly and perhaps it did not circulate enough. But with all the problems we have had on that side of the aisle and this side of the aisle recently, this is not a partisan issue. As I indicated, I repeat for the third time, there is a companion measure in the House of Representatives that has 55 Demo-

cratic cosponsors. I suggest that we vote for this legislation because it is a good amendment that would make our jobs more meaningful, and we would respond to the people of this country with the knowledge that, in anything we do, we know the financial impact.

I saw a quote recently from John Adams in a letter he wrote to his wife where he said, "I read my eyes out and can't read half enough. The more one reads, the more one sees the more one has to read." That is the way it is with the regulations and laws we pass. They just keep coming. We do not know the financial impact of them and we really should. It is the fair thing to do.

I yield the remainder of my time, since I did not use it all.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield the Senator from Alaska 5 minutes.

The PRESIDING OFFICER. The Senator from Alaska has 5 minutes.

Mr. MURKOWSKI. I thank the Chair and I thank my colleague.

Mr. President, I was originally going to propose a similar amendment under section 108 of this bill. That section creates the Bureau of Environmental Statistics. The amendment would have required the Director of Environmental Statistics to file in the Federal Register an economic assessment of the financial impacts resulting from implementation of a proposed new regulation or a proposed new regulatory change including assessment of the total number of direct and indirect jobs to be gained or lost as a consequence of implementation.

But I have had the opportunity to join with my colleagues, Senator NICKLES and Senator REID, in introducing the amendment today. We have worked together. I am pleased to support the amendment, which both encompasses my previous proposal to require, Mr. President, the EPA to make an economic assessment of its regulations, and also requires every other Federal agency and the Congress to do the same.

Our new President is talking about jobs. This amendment simply requires the Government to tell us when new regulations will cost jobs. In other words, what is the impact on the job market?

It does not prohibit the Government from doing things like shutting down logging in the Northwest if it fears an endangered species, the spotted owl, is threatened. It simply requires the Government to let us know what the specific economic as well as environmental costs of implementing a regulation are. It also requires the Government to tell the public the costs of the new regulation as compared to the benefits of the regulation. This is just common sense, something we should have been doing all along.

When the Administrator of the Environmental Protection Agency, Carol

Browner, was asked at her confirmation hearing if probusiness environmentalism was an oxymoron. Ms. Browner stated, "Absolutely not."

The cost-benefit analysis should really be part of the rulemaking process.

The amendment does not pass judgment on the merits of any given regulation. It simply informs the public, Congress, and the Federal agencies, of the consequences of the proposed regulations before final decisions are made. It allows us to make sound, informed decisions at a time when the public is both demanding the protection of the environment and the creation of jobs.

Mr. President, so often we are left with the question of, well, was this what we intended to have happen as a consequence of legislative action taken within this body and formulated within our committees? So often we find, due to interpretation or some, perhaps, misdirected staff work or something else, it comes out different in application. It costs jobs.

The proposed amendment pending before this body would address the specifics with regard to jobs and cost. It is appropriate that we have that information in the decisionmaking process. I think all of us would agree, as we look at the necessity of regulatory authority and oversight, that it reflects a fulfillment of our environmental obligation relative to the costs that are passed on ultimately to the consumers, and the welfare associated with the creation of jobs. We have an environmental obligation; but, we also have an obligation to maintain an economy that is capable of supporting our environmental obligation.

So I urge my colleagues to look favorably on the pending amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Ohio.

Mr. GLENN. Mr. President, I do not know whether we could work something out on this or not. I am in great sympathy with the purpose of this amendment. We have not had a chance to really discuss this at length. But I, too, am aware of the difficulties that counties, municipalities, and others have with this. There is nothing that raises more complaints than Federal legislation that impacts on business or on local communities, and the Federal Government does not pick up the load on that. We do not send the money through to take care of it. So they are impacted.

So I really have a lot of sympathy for this. I have heard complaints from all levels of government at home in Ohio about this.

I am concerned about a couple of aspects, and at the appropriate time I might want to put in a quorum call and talk this over a little bit and see where we go with it.

But just a couple of comments. First, I am a little bit concerned that we are

creating another layer of bureaucracy here. We already have some of these same analyses that are supposed to be done, supposed to be, I say, by the whole legislative process. So we refer things to committee. And the committees then are supposed to look into the economic impact, the effect on counties and municipalities, different levels of government in our States, and the effects will vary widely from one State to another.

The executive branch, through the Office of Management and Budget Office of Regulation and Regulatory Affairs is once again supposed to look at these. ORRA requires regulatory agencies to perform cost-benefit analyses to assess economic and employment impacts. I think it is fair to say—and I do not want to get into a big hassle on the floor about the last administration unnecessarily—but some of these things that ORRA was supposed to be doing were undercut by the last administration so ORRA did not perform its function the way it was intended, the way we interpreted at least Executive Order 12291.

So I am a little bit hesitant about putting another level of control in here, another level of review, when we have the committee process here. We have CBO that can be called on to make these economic analyses, and they do do that. We then consider it again on the floor, and every time we have something come up on the floor we ask what impact does this have. And we try to make assessments.

The agencies are required to do an economic cost benefit analysis by Executive Order 12291. Now, if it is not being done properly, maybe we should make sure it does work properly and is not in effect bypassed, as it has been in recent years, rather than just putting another level of review on top of what is already there and is supposed to be working.

I do not know whether we could go ahead and accept this or pass it through and then have a committee hearing to try to bring a little more light to bear since we have not been able with our schedule to have a committee hearing on this yet even though it was submitted in January, I believe. Is that correct? It was submitted in January. We have not had a hearing on it yet, which I would be glad to do.

But what we are talking about is we have a requirement to look at the regulatory, economic, privacy, paperwork, cost impact, the whole works across the board. I do not know whether any estimate has been made as to whether GAO has sufficient funds to do this. I know we had a letter, when this was looked at last year, by GAO that they felt they did not have sufficient force to do this last year. GAO's budget, incidentally, was cut last year, I believe, by some \$75 million. So I think probably they are less able to accomplish this now than they were last year.

But what we are talking about is the legislation would duplicate and add to the current requirement that CBO analyze regulatory, economic, privacy, paperwork, and cost impact of each piece of legislation. The new layer of bureaucracy would in itself cost a considerable amount, which I do not have an estimate on. I do not know whether the sponsor of the bill has an estimate on how much it would cost to do this kind of analysis and do it at the level at which he wishes this to be done.

There are costs for all of the things we pass here, costs to consumers, U.S. business, to employment, to U.S. business' ability to compete internationally, costs to State and local governments, outlays, revenues, gross domestic product that all affect it. I agree with that. I am concerned about this. We have a lot of discussion about this back home in Ohio. But has there been any estimate run by GAO as to what it would cost to do the level of analysis that the sponsor of the amendment thinks should be done?

Mr. NICKLES. The answer is no. We do not have any affirmative statement from GAO on how much it might cost. I might mention, though, or remind my colleague that we put in a de minimis level. If the impact on the economy would be less than \$100 million or would impact in job loss of less than 10,000, then a study would not be required. So we are really only talking about the more significant pieces of regulatory legislation coming from the administration.

Mr. GLENN. I say to the distinguished Senator from Oklahoma that you have to run the analysis to make those determinations. So you cannot say it is going to cost more or less until you run the analysis first. That is what is going to cost. That is, is there any attempt also to, say, cut out some of it in order to save money and not just duplicate already existing systems that are in place? Is there any thought of doing away with CBO analysis or doing away with ORRA, or OMB's role which they have now? This would be another layer over those. Is that correct?

Mr. NICKLES. Let me respond by saying this: We debated amongst ourselves and others should this be done by the CBO or should it be done by the General Accounting Office? We decided to go with GAO because they have 5,000 employees. They have 72 economists. They have 2,000 evaluators who make economic determinations as well as other things. CBO has 226 employees. So GAO has the large budget. Their budget last year is \$429 million, which my colleague from Ohio—I am not meaning to debate—that was a \$3 million increase over the previous year. It might have been \$75 million less than requested. It is \$3 million over 1992. I might mention that the present administration, Clinton administration, has



requested an increase of \$56 million for 1994. That is a budget of \$485 million.

To answer the second part of the question, is it duplicative? Frankly, I do not think OMB has been making the determination on cost of regulations. I fault not just this present administration on OMB. I do not think it really was done in the last administration because the cost of regulation has exploded even during the eighties and particularly in the last 4 years.

So, as the Senator from Nevada said, this is not a partisan amendment. This is an amendment saying we need to get a grasp on the total cost of regulation and mandates that we are putting on cities, counties, States, and on the private sector as well.

Mr. GLENN. I respond, I do not disagree with the purpose of this at all. In fact, I am very supportive of the purpose of it. I am just concerned about the way we are doing it, whether we are putting another layer on the top and whether GAO has set up to handle this. They have a lot of people, but they have a lot of work also. This would almost dwarf their other efforts here if this were to pass and they could do all the exacting determination that is required by this piece of legislation.

They had requested an increase last year of some \$75 million. I think they were denied that. Were they cut? I believe the distinguished Senator from Nevada has something to do with that in the appropriations process. Did not they request \$75 million additional last year?

Mr. REID. The GAO?

Mr. GLENN. Yes.

Mr. REID. They were cut \$5 million last year.

Could I ask the Senator from Ohio a question?

Mr. GLENN. Sure. I yield for a question.

Mr. REID. The CBO, with less than 300 people, already does some of these things. The General Accounting Office, as my friend from Oklahoma indicated, to whom we have assigned this task now, has approximately 5,000 people to work for them. If the computer programs are not set up purely—I think they are almost set up. From the Senator's position as chairman of the Governmental Affairs Committee, it is true, is it not, that they are set up or could be shortly to do these functions?

My question is that the CBO, with less than 300 people, for example, on the Americans With Disabilities Act did an outline of what the impact would be on State and local governments. We have assigned, in this amendment, this task to the General Accounting Office. The reason for that is they have a staff of about 5,000. It seems to me that they are equipped, or if not, they will shortly be equipped to be able to do this. Does the chairman of the Governmental Affairs Committee think they are unequipped to do this?

Mr. GLENN. I think they are probably unequipped to do it at the magnitude we are talking about here unless they were given additional resources. I think just because they have a large number of people employed at the GAO, does not mean that they could take on something like this without some assistance.

Last year, I wrote to the GAO when similar legislation had come to our committee and got a letter back. This is a year old now. It is May 19, 1992. But they responded to my request for comments on S. 2319, which I believe was the bill of the Senator from Oklahoma. We had asked for comments on it.

They said:

\*\*\* which requires the Comptroller General to prepare economic and impact statements to relate to each bill, resolution, or conference report reported by any committee of the House of Representatives or the Senate or considered on the floor of either House. We believe that \*\*\* will result in a significant demand on GAO resources that would affect our ability to respond promptly to the large number of congressional requests we currently receive. Also given the state of the art in estimating the economic effects envisioned by this legislation, it could force the proliferation of the use of economic analysis techniques for which there is no strong professional acceptance. In addition, application of this requirement to every bill, resolution, or report by any committee would be extremely costly, time consuming, and could impede congressional business.

The task envisioned would duplicate work now being performed by the Congressional Budget Office. Many pieces of legislation would require months of data collection and analysis to make the needed estimates, this raising the very strong possibility that important legislation would be delayed.

If applied to amendments offered to legislation being considered on the floor, this requirement would often be impossible to satisfy on a timely basis. Overall, we believe that given the current state of the art, in this form of economic analysis and the already significant demands on our resources, that a case-by-case request for such analysis on significant legislation would be preferable to mandating such analysis on every committee action that met some predetermined threshold. We hope you find these views useful to you.

Would this be something that would lessen the impact on GAO if we were to change this so that they would make such analysis just upon request? Right now, as the legislation stands, I believe it would require that an analysis be done on everything that comes through; is that correct? Am I misinterpreting that?

Mr. NICKLES. To respond to my colleague from Ohio, we put in a de minimus amount and it is not small. We give GAO that ability to make that determination. And there is no question that if you are passing a resolution that declares May as Mother's Month, or something like that, that probably does not require an economic impact statement.

I think, obviously, if you are talking about increasing or indexing minimum

wage, or if you are talking about a Btu tax, yes, you are talking about something we should look at and should have an independent analysis by GAO.

Again, I have great respect for the Congressional Budget Office and Mr. Reischauer. But they have a much smaller shop.

Frankly, to respond to my colleague from Ohio, a lot of the investigations that are called upon by GAO were called on by Members of this body and Members of the House. I happen to think that have an economic impact statement on legislation that is proposed, or on regulations that are being contemplated by the executive branch, would be much better utilization of their time. They have 5,000 employees, and 72 economists, and 2,000 evaluators that are making these kinds of determinations. They have computer models. I think it might keep Congress from making some mistakes, and it might save a lot of money and save jobs. That is really the purpose of the amendment. So at least Congress and the executive branch will know the full ramifications of the proposals before we have votes or make final regulations.

Mr. REID. Will the Senator from Ohio allow me to respond to that?

Mr. GLENN. Mr. President, what is our time situation?

The PRESIDING OFFICER. The Senator from Ohio controls 44 minutes 14 seconds. The Senator from Oklahoma, 32 minutes 1 second.

Mr. REID. As I understood the question asked by the Senator from Ohio, would the sponsors of this amendment have any objection to having the legislation be one in which before the General Accounting Office would have to render one of these reports, a legislator, one of the Senators, would have to ask for it; is that the question?

Mr. GLENN. Yes, basically, because I was concerned that if we put this through as it is and give it to GAO, I think it inundates them. They would not be able to do the functions they perform for us now.

In response to the comments of the distinguished Senator from Oklahoma a moment ago, I say that to just assume that all the people in Congress are going to cut back their requests to GAO is a pretty big assumption. I make liberal use of GAO in my position as committee chairman, and we have found them to be excellent. They did the work on nuclear cleanup and a whole host of things that we have found extremely valuable. They do an excellent job in that regard.

My problem is, I think when you make an assumption that GAO can automatically do this on everything that goes through here, that is an enormous leap of faith in what they can do and cannot do with their existing staff. I think we would have to expand their staff considerably to do this the way the bill is lined up now.

Mr. REID. If I can respond to the manager of this bill, this is not the time to get into a debate about GAO, because that is ongoing. Some would say that they should not be on "60 Minutes" as much, and things of that nature. I have spoken to the Comptroller General about that.

There is a debate as to whether they have enough time—too much or not enough. But I think the question the chairman of the committee asked as to whether or not the amendment could be changed, so that prior to the statement being necessary, whoever proposes the legislation would have to ask for it. This is something that I would be happy to talk to Senator NICKLES about, keeping in mind that we already have, as the Senator from Oklahoma indicated, a cutoff point of \$100 million and 10,000 jobs.

I think the suggestion of the chairman of the committee is a reasonable one, that they would not have to do it automatically, but it would have to be a letter in writing to GAO or something of that nature. Is that the question?

Mr. GLENN. Well, part of it. But I responded to the Senator from Oklahoma a few moments ago on the \$100 million cutoff. You do not know the levels until you do the study. You do not know what the impact is going to be. You cannot say in advance we will not do this because it has a certain impact on localities, towns, and communities. You have to do the study to find out the level.

So it seems to me we are saddled with the current legislation here of sending a huge load to GAO, unless we are prepared to expand their activities and let them have additional personnel out there to cope with this.

Mr. NICKLES. Mr. President, I ask unanimous consent that Senator HATCH and Senator COHEN be added as cosponsors, and I yield to the Senator from Delaware, 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized for 5 minutes.

Mr. ROTH. Mr. President, I commend my colleagues from Oklahoma and Nevada for introducing this most important amendment. Last year, on February 27, I introduced S. 2289, a bill similar to the amendment now being offered by my colleagues from Oklahoma and Nevada. I was planning to reintroduce my legislation during this session, but I delayed reintroduction in order to first see what the administration would do in fashioning its policy regarding regulatory review. It has yet to do so.

With respect to differences between my colleagues' amendment and the bill I introduced in the last Congress, my colleagues' amendment would require an economic and employment analysis by the General Accounting Office for

each bill or resolution introduced in the House and the Senate; whereas, my bill would have required the Office of Management and Budget to do such an assessment.

In addition, my bill would have required a regulatory impact analysis clearance by OMB for the implementation of any agency rule. These differences, however, are differences and not failings and should not stand in the way.

We are both seeking to achieve the same goal—to educate the public and to give them an opportunity to make an informed judgment as to the regulatory cost of the legislation passed by the U.S. Congress.

Perhaps this amendment might even cause Congress to educate itself.

Mr. President, the quality of life in America depends on achieving national goals in a variety of areas that affects both individuals and American enterprises; health, safety, environment, civil rights, and a host of other areas. But all too often efforts to promote competitiveness, productivity, and economic growth are undermined by well-intentioned regulations that have unintended consequences.

By allowing Members to raise a point of order on any legislation that is not accompanied by a regulatory impact analysis, my colleagues' amendments provide a sensible and comprehensive approach toward reviewing legislation.

I wish to compliment my colleagues for their efforts in this important area and encourage my colleagues to vote for the passage of this amendment.

Mr. President, I yield back the floor. The PRESIDING OFFICER. Who yields time?

Mr. ROTH. I yield back the remainder of my time.

Mr. GLENN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I wish to thank my colleague, Senator REID, from Nevada, for his leadership and also Senator ROTH for his statement in support, as well as Senator MURKOWSKI, from Alaska, for his support and statement in support of this legislation.

Mr. President, I would like to at this point read into the RECORD a number of organizations that have endorsed the Economic and Employment Act, as introduced by myself and Senator REID:

The American Bankers Association; American Farm Bureau Federation; American Forest Council; American

Forest Resource Alliance; American Furniture Manufacturers Association; American Vocational Association; Associated Builders & Contractors; Citizens for A Sound Economy; Independent Bankers Association of America; Independent Petroleum Association of America; International Association of Drilling Contractors; National-American Wholesale Grocers' Association; National Association of Broadcasters; National Association of Homebuilders; National Association of Manufacturers; National Association of Regional Councils; National Association of Wholesale-Distributors; National Cattlemen's Association; National Conference of State Legislatures; National Federation of Independent Business; National Forest Products Association; National League of Cities; National Ocean Industries Association; National Rural Water Association; National Restaurant Association; National Taxpayers Union; Petroleum Marketers Association; and the U.S. Chamber of Commerce.

Mr. President, this amendment has so much more support than the organizations that I have just read.

I just stepped outside to talk to an individual who represents the Oklahoma Hospital Association. He brought to mind two regulations that are enormously expensive on hospitals; one was called the Clinical Laboratory Improvement Act.

Many of my colleagues will remember that, because that was going to mandate that all hospitals, rural and otherwise, all clinics were going to have to have basically a certified pathologist to do certain lab tests.

The net result was, it was estimated that regulation alone would close as many as 70 hospitals in my State because of the cost of compliance, because they need to have those tests, they need to have those tests time sensitive. But they did not have a certified pathologist, therefore, they would have to send those tests results over to a larger city, Oklahoma City, Tulsa, Muskogee, or something.

And the turnaround of getting those results back on those tests would be detrimental to the quality of life. If you have a diabetic that needs a test, or a heart patient that needs to get the blood count, whatever it is. Immediate access to the results of those tests with one bill, which had a very good intention—to improve the quality of laboratory work across the country—had good intentions, but the net results of this original legislation and the regulations that were to implement that legislation could have been disastrous to the quality of health care.

There is another regulation in the health field that just came out that all of my colleagues, I think, will be aware of, if they are not by now, and that is the so-called blood-borne pathogen regulation that is now mandated by the



Occupational Safety and Health Administration.

This is enormously expensive. If you are going to visit your dentist, you will note that they have to have their gowns and gloves and masks on, and so on. They cannot be laundered at home. Many dentists have laundered their gowns for years at home, but now they have to send them off. And the story goes on and on.

The net result is the cost of those regulations. I have been told by our dentist in Oklahoma, can exceed \$8 per visit.

I have four kids in my family. It seems like we are trying to finance the dentist's office expansions, and so forth. I do not like unnecessary costs being added and mandated by Federal regulations.

This legislation would try to get a cap on it, or at least try to understand the total cost of regulations. It is not a partisan amendment. I am delighted that we have Republicans and Democrats in support of this amendment. I think the reason is because the cost of regulation has exploded.

In 1992, it is estimated that the total cost of regulation was \$533 billion. That was done by the Rochester Institute of Technology. It is estimated to increase to \$688 billion by the year 2000, only 6½ years from now.

Then, looking at the regulatory cost per household, the household cost in 1992 was \$4,272. Think of that: The cost of Federal regulation, by household, over \$4,000 in the year 1992, and growing to \$4,647 by the year 2000. In other words, continuing to climb, to explode.

And we pay for it. It may be hidden, but we pay for it, in higher prices or higher taxes, or your water bill is higher, or your electric bill is higher, or your gasoline costs more, or your automobile costs more, or the house costs more, or the price of lumber costs more; the cost of health care goes way up; the cost of the dentist visit goes up; the cost of an inpatient or outpatient treatment goes up. All those costs are directly impacted by Federal regulation.

So the purpose of this amendment is very straightforward. If Congress is going to pass laws—bills, before they become laws—we should know how much it will cost before they become laws. Before we take a bill, a proposed law, and make it law, we should know how much it is going to cost. And if it has an adverse economic impact that exceeds 10,000 jobs nationwide, we should know it. Then if we want to go ahead and pass it with that information in mind, that is fine. Maybe the goal of the legislation is significant enough that we should do so. But at least we would know how much it will cost.

I think when we look at several pieces of legislation pending before Congress today—I can just think of

several. We have the Safe Drinking Water Act. Again, everybody wants safe drinking water. How much will it cost? Also, if the cost is real high per person, maybe we could look at more economical ways to still achieve the same goal.

We have the Endangered Species Act. Everyone in here is well aware of the spotted owl and the fact that jeopardizes anywhere from maybe 30,000 to 50,000 jobs. A lot of us would like to protect the spotted owl, but we would also like to protect those thousands of jobs in the logging industry, and we are concerned about the price of lumber and how much that has been going up. Actually, lumber prices have doubled in the last 6 months alone. And part of that is because of excessive regulatory burdens.

So we would just like maybe a little more common sense, or to see if we could maybe find a more economical way to do so. It does not prevent us from passing the Endangered Species Act just like it is, or the Resource Conservation Recovery Act, or any other piece of legislation. Congress may well pass them. But at least we would have an idea from an independent source what the economic cost would be.

My colleague from Ohio would like to add cost and benefits. In the legislation, in some points we mention cost and benefits, and we will be happy to modify it to include cost and benefits throughout the legislation. And I appreciate his suggestion for improving the legislation.

Some have indicated a reluctance to put additional burdens on the General Accounting Office. For one, this Senator thinks that some of the best use of the time, the money, and the resources of the GAO would be for trying to determine the economic costs and benefits of various proposals put before Congress and to come out of regulatory agencies. That is part of their function.

They have over 5,000 employees. In this year's budget, a \$56 million increase has been requested. For fiscal year 1993, the budget was \$429 million; the proposal is to increase that to \$485 million. That is a \$56 million increase. Percentagewise, I am just going to guess, that is well in excess of 10 percent, probably a 14- or 15-percent increase in their budget. So they are having some increases in their resources.

This language would allow them to exempt those bills that are not reported out of committee. They would only do the analysis on bills that are reported out of committee. So that would eliminate probably 95 percent of the bills that are introduced. So they would do the analysis on bills as they are reported out of committee, and only those that are determined by the General Accounting Office to have an economic impact in excess of \$100 million or 10,000 employees.

So we are going to exempt most of the bills that are reported by Congress.

And we will probably be exempting most of the regulations that are reported by the administration. But many regulations have very significant negative impact. This is what we are trying to avoid. We want to minimize negative impact.

One of the principles in the medical profession is: "First, do no harm." I think, likewise, Congress would really improve our productivity as far as the economy if first we make sure we do not do any harm. How can you be sure you will do no harm if you do not have an analysis to see what effect it will have on jobs? So I think it will be very good to have an independent analysis to see what the economic effect will be. That is the purpose of this legislation.

I believe we have 25 or 26 cosponsors of this legislation. I thank the several groups that have indicated their support for this legislation, like the Rural Water Association, Independent Bankers Association, and National Federation of Independent Business.

I think when you look at the impact on jobs, what it means to creating jobs in the private sector, what it means as far as mandates to States and cities and local governments, I think this is excellent legislation. It may be some of the most important legislation we will be dealing with this year, and I hope my colleagues will concur.

Madam President, how much time is remaining?

The PRESIDING OFFICER. (Mrs. BOXER). The Senator has 8 minutes and 15 seconds remaining.

Mr. NICKLES. I reserve the remainder of my time, and I suggest the absence of a quorum.

Madam President, I ask unanimous consent the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GLENN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Madam President, I further ask unanimous consent that the pending amendment be temporarily set aside, with the time remaining on each side as it is right now, to be brought up again later and that we then proceed to take up the amendment by Senator GORTON that I believe we will be prepared to accept and then return to this amendment at a later time.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 330

(Purpose: To modify the membership of the Commission on Improving Environmental Protection, and for other purposes)

Mr. GORTON. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 330.

Mr. GORDON. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 72, beginning with line 25, strike out all through line 7 on page 73 and insert in lieu thereof the following:

- (1) 7 members to be appointed by the President;
- (2) 2 members to be appointed by the Speaker of the House of Representatives;
- (3) 1 member to be appointed by the Minority Leader of the House of Representatives;
- (4) 2 members to be appointed by the Senate Majority Leader; and
- (5) 1 member to be appointed by the Senate Minority Leader.

(b) CHAIRMAN.—The Chairman of the Commission shall be appointed by the President

(c) POLITICAL PARTY AFFILIATION.—Notwithstanding any other provision of this section, no more than 7 members of the Commission may be from the same political party.

Mr. GORTON. Madam President, this amendment, which I understand has been agreed to by the managers on both sides, simply puts into the bill itself what is intended by the bill and what is included in the committee report; that states that of the 13 members of the Commission on Improving Environmental Protection, no more than 7 members will be from one political party.

Whatever the duties and the outcome of the work of that Commission, obviously they will be more acceptable if they are bipartisan. The distinguished Senator from Ohio [Mr. GLENN], of course, recognized that in the way in which he drafted the bill and has had the committee report written up. We would simply like to ensure that that takes place. This amendment does so. Madam President, at this time I would like to elaborate on why I elected to offer this amendment.

The amendment which was agreed to today simply asks that the minority party be allowed input on the selection of members to the Commission on Improving Environmental Protection. Input. That is what this amendment is about.

In fact, the idea for this amendment came from the committee report which accompanies S. 171. The report specifically states that "in the interest of political balance, no more than 7 members of the Commission should be from any one party."

So in the "interest of political balance" this Senator offers an amendment which retains the rights of the President, Speaker, and majority leader to appoint members to the Commission—but expands this right to minority leaders of both the House and Senate.

As proposed S. 171 appoints members to the Commission as follows: seven members appointed by the President; three members appointed by the Speaker of the House; and, three members appointed by the Senate majority leader.

My amendment will allow the minority party, along with our colleagues across the aisle, to have a say in the selection of members to this Commission. Under this amendment members will be appointed to the Commission as follows: seven members appointed by the President; two members appointed by the Speaker of the House; one member appointed by the minority leader of the House; two members appointed by the Senate majority leader; and, one member appointed by the Senate minority leader.

And lastly, this amendment would put into statute the Governmental Affairs Committee's own recommendation: No more than seven members of the Commission shall be from any one political party.

Under my amendment, the Commission remains intact, the funding authorized for the Commission is unaltered, and the responsibilities of the Commission go unchanged. The only change which this amendment makes is to allow the minority party the opportunity to appoint members to the Commission.

In closing, Madam President, this amendment acts upon the recommendation of the Governmental Affairs Committee, and is only a minor modification to the underlying bill. This amendment merely gives the minority party in both the House and Senate input. It is just that simple, Madam President, this amendment only asks that the minority party be heard.

Mr. GLENN. Madam President, I think Senator GORTON has fairly expressed the situation, and we are happy to accept the amendment.

Mr. ROTH. Madam President, I rise in support of the amendment proposed by the distinguished Senator from Washington. Yesterday, I offered a substitute amendment that would have completely eliminated the Commission on the new department's environmental laws and thereby solved the problem which the distinguished Senator has noted. In view of the adverse disposition of my amendment, this amendment is most welcome.

The recommendations of the Commission will have no legal effect. The recommendations are only recommendations. They will clearly have more value to the Congress if they are truly bipartisan. We all know that. The majority knows that. That is why the Senate report from Governmental Affairs, Report No. 103-38, on page 23, states:

The Committee recommends that, in the interest of political balance, no more than

seven members of the Commission should be from any one party.

The pending amendment codifies this committee recommendation. Therefore, there should be no objection to this amendment. The bill in its present form authorizes only members of one party to appoint members of the Commission and provides no constraint against excessive representation by one political party. The pending amendment cures this oversight and should be adopted.

Mr. GLENN. If there is no further discussion, I urge the adoption of the amendment.

The PRESIDING OFFICER. Is all time yielded back on this amendment?

Mr. GLENN. On the Gorton amendment all time is yielded back.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 330) was agreed to.

Mr. GORTON. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Madam President, I ask that the pending amendment be set aside for further Senate business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, I appreciate the accommodation of the Senator from Ohio. I sought recognition to speak not to the current amendment sponsored by the Senator from Oklahoma but to some of my own concerns with the bill.

Madam President, the Senate is, of course, engaged in debate on this legislation which would elevate the Environmental Protection Agency to Cabinet-level status. Each Member of the Senate represents a State which, of course, has its own unique environmental protection needs and challenges. Earlier this month, the people took notice of an environmental issue of vital importance to the Pacific Northwest when the President convened his timber conference in Portland to address issues of environmental protection and the impacts on the families and communities, the livelihoods



of which have been built around these forests. No environmental issue has captured the attention of people in the State of Washington to a greater extent than has this one.

I highlight this environmental controversy because it has—in part—convinced me that elevating the Environmental Protection Agency to Cabinet-level status, while meritorious on its face, will not solve the chronic problem which plagues many environmental decisions.

What is this problem? You have only to talk to a timber worker in Forks, a real estate developer in Redmond, or a salmon fisherman in Longview to understand.

Environmental responsibilities in our Federal agencies are spread across the President's Cabinet, the Department of Commerce, the Department of Agriculture, the Department of the Interior, and the Environmental Protection Agency. As a consequence, environmental laws, rules, and regulations overlap in their applications, are confusing, time consuming, and costly. As currently proposed, elevating the EPA to Cabinet level status will not consolidate these environmental departments into one agency.

Again, I go back to the controversy in Washington State, in which turf battles among Federal agencies on environmental regulations and laws greatly complicate matters. Pacific Northwest timber communities have experienced firsthand the endless maze of overlapping environmental jurisdictions within our Nation's forests. The Forest Service of the Department of Agriculture, the Bureau of Land Management of the Department of the Interior, the U.S. Fish and Wildlife Service of the same department, each has jurisdiction over forest lands managed by Federal regulators.

I know that the people of Washington State would welcome regulatory relief that could come from consolidating the multiple Federal agencies with environmental jurisdictions into one, single Federal Department of the Environment.

I realize that this idea may not be politically popular in Washington, DC—but this Senator was sent here by the people of Washington State, many of them everyday working people, who face the day-to-day frustrations in dealing with multiple Federal agencies with overlapping regulations.

Within the next several weeks, I understand, the National Academy of Sciences will issue a report which will make recommendations on elevating the Environmental Protection Agency to Cabinet status, provide recommendations for joining together Federal agencies charged with environmental protection, and suggest new governmental environmental operations. The report, of course, has not been issued yet, but this Senator be-

lieves this debate would benefit from the consideration of such a report.

The idea was first broached, to the best of the knowledge of this Senator, very shortly after the election, within the first week or so, with the thought that the Clinton administration might propose such a consolidation. I think many initial reactions to this proposal were negative. I know the initial reaction of this Senator was negative. Within 24 hours, however, the thoughts of this Senator were that perhaps there was a great deal of sense in just such a proposal.

I have waited patiently, and will continue to wait patiently, for some kind of decision to support the consolidation of such agencies, not only on the part of the National Academy of Sciences but the administration itself. And it is for that reason the timing of this debate troubles this Senator.

Many times legislation is passed by this body only to be determined after the fact that the law has impacts which could not be foreseen at the time of its enactment. Try as we may when drafting legislation, we cannot always see into the future. We cannot always foretell all the impacts the legislation will have when implemented, but on many occasions we act on legislation without all of the available information. This may well be what we are doing in this case.

I certainly do not oppose the elevation of the Environmental Protection Agency to Cabinet-level status, but I am concerned that perhaps we are not acting with the best interests of efficient environmental protection in mind. This Senator would like to look at the report of the National Academy of Sciences, a report intended to determine "How the Government should organize its environmental research, and how best use its scientific information to advise environmental policy decisions."

This Senator would like to hear the recommendations of present members of the Cabinet and administration on the subject of such a consolidation. This report and those deliberations might well provide invaluable insights to help us make more informed decisions.

Madam President, this concludes my thoughts on the bill before us and explains the reason that I am somewhat troubled by the consideration of this bill at this point in time.

Although he has been busy at other matters, this Senator at least would greatly appreciate any comments the distinguished Senator from Ohio has on the subject. I suspect that he knows more about these consolidation proposals than the Senator from Washington. This Senator would appreciate any comments the Senator from Ohio has on whether he believes this bill simply to be a transition to some more ambitious attempt to consolidate environ-

mental protection agencies, or whether he views this as a substitute for and as a way to slow down such a change.

In this case the Senator is simply seeking information about an idea which seems to him to have some real validity and would like to know how it relates to the bill before us at the present time.

Mr. GLENN. I would be glad to respond. I did not hear all of the Senator's statement. I unfortunately had to be off the floor for part of it, but as I understood the Senator is concerned about whether EPA is going to be expanded in other areas.

Mr. GORTON. The concern of this Senator, I say, was with the early thoughts right after the election, and the possible proposals on the part of the National Academy of Sciences that we join together agencies with major environmental responsibilities, many parts of the Department of the Interior, the Forest Service from the Department of Agriculture, certain elements within the Department of Commerce, into one department of the environment, so that we could have a more single and coherent set of environmental policies in the country and so that our people and our local governments would deal with a single agency rather than with multiple and often conflicting needs.

Mr. GLENN. Fine. Let me respond to that.

When we first started looking at EPA elevation back a couple of years ago, almost 3 years ago now, we set out with the idea that almost every agency of Government has some part of the environmental pie. It is a rare agency that does not have something to do, some with very major parts, Agriculture, Interior, and others, and some of these things had gone on because EPA was sort of a new function on the block some 20 years ago.

So they farm out a lot of these things. The Department of Defense had major responsibilities, and so on. We set out with the idea of looking to see what really needed to be in these other departments, to get some of these things back under a really solid, well-administered department of the environment. That are so complex, and there are so many things spread all over Government, that it went beyond our ability on the committee to do this.

So even though I just abhor the idea of putting together another commission, committee, advisory board or whatever, we did not see any other way to do it. But if we are going to elevate, set up the commission—which we set up, to go ahead and look at all these different functions, decide what should be brought back under EPA and what should be left out there because they can be best administered say in the Department of Defense or whatever. You are running tanks around, doing what-

ever, wasted bases, how do you handle that? That is DOD. They have to do it. They want advice from EPA. It is their responsibility, their poverty, and so on. That is one example.

So that was the purpose of the commission. We did not want the commission to go on indefinitely. We put a 2-year sunset on it. That is how we are dealing with the situation that the Senator speaks to.

Mr. GORTON. I thank the Senator from Ohio. I take it the implication of that statement is that the Senator from Ohio finds this to be an intriguing idea but wants expert outside advice as to how it would be accomplished and what functions would be part of the new department of the environment.

Mr. GLENN. We do not see this as some great power grab that is going to get into all sorts of departments. If we want to move things back, we want to move them after study, so we can see them done better under EPA, whatever the function being done now. So what I have just stated a moment ago is our purpose in this whole thing.

Mr. GORTON. I gather the Senator from Ohio does not believe that the passage of this bill would be or is designed to inhibit that movement toward a department of the environment if this becomes desirable.

Mr. GLENN. It would not inhibit nor advance either one. It is sort of neutral in that regard as to what the Senator is speaking about. The commission was to give us advice on what they think would work best with regard to the environmental administration throughout the length and breadth of Government. Right now, I think the Senator would agree it is spread all over the lot, too much so. We need to get some of these things administered more from one spot.

Mr. GORTON. I thank the Senator from Ohio for that contribution. I have some apprehension that one of the reasons that I have some reluctance with respect to this bill is whether or not having someone else call Mister or Madam Secretary will not just create another roadblock on the way to a consolidation. We may find it desirable later on. But, nevertheless, I greatly appreciate the views of the Senator from Ohio. That is not the intention nor does he think it will be the consequence of passing this bill.

With that, I thank him for his time. If he wishes to move us back to the Nickles amendment, I would be happy to yield.

Mr. GLENN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ROTH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued the call of the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I do not intend to speak long. It is my understanding that the time I consume in speaking will not be charged against the time on the amendment.

The PRESIDING OFFICER. That is the opinion of the Chair.

Mr. BYRD. It is also my intention not to offer any motion at this point. But I am perplexed and amazed, I must say disappointed, that such an amendment would be offered. I cannot understand how a member of the Appropriations Committee—especially a member of the Appropriations Committee—can vote for the amendment offered by Mr. NICKLES.

But before I deal with that aspect of the amendment, let me say to Members generally what this does. This amendment is a way of changing the rules of the Senate. The rule is not mentioned in the amendment, but, in effect, the rules would be changed without subjecting either the amendment or the bill, if amended by the amendment, to the rule requiring two-thirds of those present voting to shut off a filibuster on a rules change. This is a way of indirectly changing a rule without running the risk of requiring a two-thirds vote to shut off a filibuster. A filibuster on this type of rules-change mechanism can be shut off by a three-fifths vote.

So that is one great danger in this approach. I think I should point out to those on the other side of the aisle, particularly, who are constantly trying to change this institution, who are constantly making efforts to change the rules in ways that would reduce the privileges, powers, and prerogatives of this institution, I think I should warn them that this approach can be used by the majority, as well. And one day, if it continues, if these pernicious assaults continue, then the majority will undoubtedly resort to the same tool or weapon.

The majority leader has indicated his interest in changing the rules to provide that a motion to proceed to a matter or measure not be debatable, or perhaps having a motion to proceed that would only be debatable for 1 hour.

To attempt to change that rule directly would result in a filibuster; it would require a two-thirds vote to shut off such a filibuster. This same approach by Mr. NICKLES can be used on this side, however, to provide for a non-debatable motion to proceed. I know that the other side may say, well, you will never get the 60 votes. Well, who knows? On the right bill, it is conceivable that 60 votes could be secured to invoke cloture.

I am one of the foremost protectors of the minority here. Mr. President, I have been in the minority. I have been the leader in the minority. I reverence this institution as a refuge to which the minority can retire and be protected against a tyrannical majority.

So I do not want to see too many things happen around here that would impinge upon the rights of the minority. I daresay my concern about the rights of the minority probably is greater than the concerns of some of those who are on the minority side. They are playing with fire here. They are tinkering around with the rules, and they know not what they are doing. This is dangerous. This is a pernicious amendment because if we change the rules with this amendment, we can also make other changes in the rules that would not bode well for the minority.

I try to keep in mind that my side may be in the minority again. So I am reluctant to see us take actions that may hurt the minority. But with respect to the motion to proceed without debate, I have very lately stated that I would support such a rules change because that still leaves Senators on both sides of the aisle the opportunity to filibuster the measure itself, or the nomination itself, or the matter itself, whichever it may be.

So I am willing to take my chances on a line-item veto if it comes over here from the other body. I am willing to take my chances and let it be taken up without debate, after which, I will busy myself with filibustering the measure itself. But I am concerned that a minority is pushing itself too far in this body. I have seen that happen in recent days.

Here we are with an amendment that would, in effect, change the rules. It would certainly have an impact on rule XXVI, dealing with the committee procedure. It would have an even more direct impact upon rule XXVIII, dealing with conference committee reports, and so on.

If this amendment were adopted from an Appropriations Committee perspective, the amendment could well result in great delay. We have to report 13 regular appropriations bills, plus supplementals, and we have to bring back conference reports. We have to go to conference on those bills, and come back with conference reports on practically all of them.

This amendment says, "It shall not be in order in either the House of Representatives"—so we are going to change the rules of the House as well—"or the Senate to consider on the floor any bill"—any bill, any appropriations bill for example, any supplemental appropriations bill—"resolution, or conference report, whether or not reported by any committee of the House of Representatives or the Senate, unless that bill, resolution, or conference report



includes the economic and employment impact statement required by subsection (c). Waiver: A point of order made under this subsection may be waived in the Senate by a three-fifths affirmative vote of Senators, duly chosen and sworn; and in the House of Representatives, by a three-fifths affirmative vote of Members, duly chosen and sworn."

Therefore, Mr. President, every appropriations bill, every appropriations conference report, would be required to include the economic and employment impact statements required by section 3 of this amendment. This requirement would force Congress to wait for the General Accounting Office to prepare economic and unemployment impact statements before taking up the appropriations bills—before taking up the appropriations bills, and once we have gotten over that hurdle, before taking up the conference reports on them.

This could take days, or weeks, or even months for the General Accounting Office to complete its analysis on each of these appropriations bills or conference reports.

If we want to return to Government by a continuing resolution, this is the direct way to bring that about. But would that not also be a big problem, dealing with a continuing resolution making appropriations, because the same thing would apply there?

This amendment would virtually guarantee, Mr. President, that we will not be able to complete our work in the Senate on appropriations bills by October 1. Forget it. That is the beginning of the fiscal year.

The General Accounting Office states that a very rough estimate of the resources involved would be that an organization of perhaps 200 people or more might be needed.

This means additional employees in the General Accounting Office. I thought the interest on that side of the aisle was to reduce the number of Federal employees in the Government. The General Accounting Office is going to have an organization of 200 or more. CBO now uses approximately 80 staff years to perform its costing responsibilities and related budget work. So what this is going to do is provide for a duplication. CBO does it with 80 people over a year's time. This amendment will require the General Accounting Office to duplicate this work and put on 200 new people.

The General Accounting Office also says that many pieces of legislation would require months of data collection and analysis to make the needed estimates, thus raising the very strong possibility that important legislation would be delayed. If applied to amendments offered to legislation being considered on the floor, this requirement would often be impossible to satisfy on a timely basis.

The impact on the General Accounting Office's ability to meet its heavy congressional

workload could also be severe, exacerbating an already significant shortfall in our ability to respond promptly to the many individual committee requests we receive each year.

Consequently, the need to make significant internal realignments, the complexity of the task envisioned, and the limited availability of GAO staff trained in economics and related fields would result in a very long learning curve for us—

GAO is talking—

as we began recruiting, reassigning and training staff and otherwise building the data bases and infrastructure necessary to perform the duties involved.

Mr. President, I say to my friends in the minority who keep dabbling in efforts to bring this institution to its knees, they are playing with fire. I urge them to stop doing it.

This is a most pernicious amendment. The problem here is, may I say to my dear friends on the other side, two can play this same game. One of these days, there may be more than 60 Members on this side of the aisle, and ROBERT BYRD may not be around here to protect the minority. I have taken positions to protect the minority of the Senate that I venture have not been taken by any minority leader on that side, or anyone in leadership on that side. I will not go into details, but I know whereof I speak.

I urge my colleagues to think twice, and I urge my friends on the other side of the aisle, particularly those members of the Appropriations Committee who have to work to bring out 13 appropriations bills and the supplemental and the conference reports thereon. I hope they will think twice and then think twice again before they vote for this very costly, very time-consuming, very unworkable proposal that will surely result in more delay and gridlock in the Congress in enacting appropriations bills and conference reports.

Heaven knows, we have problems enough in getting appropriations bills through this Senate and through the conference as it is. I do not know of any other committee chairman who has a committee that is bound and required to turn out 13 regular bills each year, every year, plus supplementals, or the equivalent thereof by way of continuing resolutions. I do not like to see us enact continuing resolutions. Since I have been chairman of the committee, I have tried my best to avoid continuing resolutions as much as possible. We have done very well with the cooperation of my friends on the other side of the aisle.

I just do not believe that Appropriations Committee members really know what they are doing if they vote for this amendment. I have to say, with all due respect to my friend, the author of the amendment, he is on the Appropriations Committee. What are we trying to do? Are we trying to destroy the appropriations process here? Is that what we are trying to do? Are we try-

ing to do it indirectly, without making a head-on attack? Why not assault the process head on? This is an indirect way.

I do not believe that the author of this amendment has fully considered the impact, the ramifications, and the result that would flow from the adoption of this amendment. I hope that Senators will vote this amendment down or vote to table it; or we will, if nothing else, have a motion to recommit with instructions to report back. I again urge Members not to continue to tamper with and dabble with the rules of the Senate. That is what this is. This constitutes a rules change. But it does not say up front that it is a rule change. This is a mugging of the rules of the Senate, a walking up from behind, not walking up from the front, walking up from behind and lashing out with a chain and mugging the rules of the Senate from behind. It is dangerous stuff.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GLENN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue calling the roll.

The legislative clerk continued with the call of the roll.

Mr. DANFORTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GLENN. Mr. President, reserving the right to object, and I do not object, with the understanding that, at the end of the Senator's statement, we go back into a quorum call.

The PRESIDING OFFICER (Mr. WOFFORD). Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, I ask unanimous consent that I might proceed as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### STUDIES OF THE AIRLINE AND AEROSPACE INDUSTRIES

Mr. DANFORTH. Mr. President, on March 17, the Senate passed legislation that had been asked for by the administration to create a commission to study the problems of the aerospace industry and the airline industry.

At the time of the debate on that legislation to establish the commission, I pointed out on the floor that we have had numerous studies of the problems of the airline industry and the aerospace industry.

As a matter of fact, I brought to the floor of the Senate two boxes of studies

or committee reports dealing with the problems of these related industries. I piled those studies up on top of the desk from which I was speaking. That pile came to approximately chin level.

These were all various reports that had been done by the General Accounting Office or the Department of Transportation or congressional committees about the problems of these industries.

But, nevertheless, it was agreed on the floor of the Senate by a voice vote that we would proceed with yet another study, as requested by the administration, and on March 23, the House passed the same bill.

So, it has now been a month. In fact it has been a month and 5 days since Congress passed this legislation creating yet another study of these two industries. The legislation that we passed provided for 90 days for the study to take place, however the 90-day time did not start ticking until the commission that was to be appointed was actually in place.

I am happy to report to the Senate that in discussions with the Department of Transportation today I am told that sometime this week we are going to have the membership of the commission announced by the White House. Unfortunately, however, merely announcing the membership of the commission is not sufficient to start the 90-day calendar running. That will only take place when the members of the commission are actually sworn in and the swearing in will be, of course, when people can manage to get themselves to Washington, which is hoped to be about 2 weeks hence.

So the upshot of all this is that we passed the legislation in March and probably sometime around the middle of May we will start yet another study of the problems of the airline industry and the aerospace industry. That will last for 90 days, meaning that in August sometime the study will be completed.

Then, of course, we will have to have time to digest the study. The administration undoubtedly will have to examine the study and find out what is in it. And maybe then at some time in the fall people will get around to suggesting actual legislation or actual steps that can be taken to aid these two industries. By then, of course, Congress will be ready to adjourn the first session of the 103d Congress.

My point is exactly the point I made in March. We have an emergency on our hands. We have a double emergency on our hands. We have an emergency relating to the airline industry and we have an emergency relating to the aerospace industry, and we are engaged in this extraordinarily leisurely process of setting up commissions, waiting for the commissions to be appointed, waiting for the members to be sworn in, beginning the work that the commissions are going to get done, and

then studying the work of the study. This is not a case where time serves the purpose of the airline industry or the aerospace industry.

Let me simply remind the Senate of what has been going on just this year. On January 21, McDonnell Douglas announced 8,700 layoffs. On January 26, Pratt & Whitney announced 10,000 layoffs. On February 18, Boeing announced 2,000 employees would be laid off by mid-1994. Delta announced on March 30, for the first time in its history, that it would lay off permanent employees—600 pilots. On April 2, American Airlines announced 900 employees would be laid off.

This is what has been going on, now, in the aerospace industry and the airline industry. And we claim around here that we are interested in people's jobs. Oh, let us get some job legislation. Let us get some job studies. Meanwhile, let us hail executives of aircraft manufacturing companies before committees of the House of Representatives and hector them about their companies.

Where is the concern about the working people of this country who work for airlines? Where is the concern about the working people of this country who work in the aerospace industry? Where is the concern among all the discussion about jobs bills, and about stimulus packages—where is the concern about real live human beings who are losing their jobs in industries that used to be at the cutting edge of America's competitiveness? What is happening?

We are delaying, we are studying, we are twiddling our thumbs while real people lose their livelihoods.

If this were a matter that had never been studied before, perhaps the 90-day study would be called for. We have studies coming out of our ears. If this was an issue where great minds had not come up with great ideas in the past, maybe yet another leisurely study at a leisurely pace would be called for. But there are all kinds of ideas of what should be done.

Let me simply review what some of them are. I have proposed that airline predatory pricing complaints subject to a summary process, to determine whether or not they are predatory pricing, with the Department of Transportation empowered to issue cease-and-desist orders if there is predatory pricing.

I believe the aviation fuel tax increases that have been proposed under the so-called Btu tax should be omitted from the coverage of that tax. The airline industry cannot afford to pay the tax.

I have proposed permitting increased foreign investment in our airlines. I have introduced legislation to accomplish that. They will need capital in order to survive and in order to prosper. Where is that capital going to come from? I believe foreign invest-

ment is absolutely essential for that purpose.

I have proposed the creation of an industry-led consortium of U.S. aircraft manufacturing companies to duplicate what was done for the semiconductor industry by Sematech.

And I have also proposed—and this is something that the administration can accomplish without our legislating—a bill on the subject of countervailing duty investigations against Airbus. If there is ever a ridiculous situation of unfair foreign subsidies, it is Airbus. Airbus has never made any money—never in its history, for decades—never made any money. Airbus, which has been subsidized to the tune of at least \$26 billion by European countries, and which now has 44 percent of the U.S. aerospace market, should not be able to conduct its business without countervailing duties as provided by international agreement and U.S. law.

These are recommendations that are already out there. They are recommendations that are not new. They are recommendations that have been studied. Yet we proceed on this tortoise-like pace, fiddling around. We want to declare economic emergencies and yet we do not know an economic emergency when we see it. When we have the patient lying in the middle of the street, instead of calling for the ambulance and acting with dispatch to address the situation, we sit around and have discussions about how to appoint more boards to prepare yet more reports which will require more time for us to study.

So I simply take the floor to point out that at least the administration, more than 1 month after the House passed the bill, is getting on with appointing the latest study group and that maybe in 3 weeks the study group will have its first meeting and then, 90 days thereafter, we will have yet more studies that we can begin studying.

Mr. President, I suggest the absence of a quorum.

Mr. EXON. Will the Senator withhold that request?

Mr. ROTH. Mr. President, I object.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I would agree to further activities on the floor only if at the end of the Senator's statement, that he agree that a quorum call will be placed again.

Mr. EXON. Mr. President, I will be glad to accommodate the managers of the bill in this regard.

I ask unanimous consent that I be allowed to proceed in the following fashion: First, to comment on the remarks just made by the distinguished Senator from Missouri; and then, briefly to proceed with regard to remarks I have prepared for the President's high-speed rail initiative that was announced at a press conference today. At the conclusion of that, I will agree to the sugges-



tion made by the Senator from Ohio that I, at that time, suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. EXON. Mr. President, I listened to my good friend from Missouri with regard to the difficulties in the airline industry today, all portions of the airline industry problems, certainly down to the manufacture of the aircraft and, most important, all of the employees—dedicated and talented employees—of all of the airlines, and all of the people who are in the airline production industry.

The Senator and I have expressed concern about this on many occasions over a period of months or years, and I certainly agree with him, and share with him the concern over the delay that has taken place since the bill that he referenced was passed.

The good news is that I have been told by the Commerce Department today—that I have been following and urging and pressing for the appointment of the Commission on a daily basis—I am advised that the announcement will indeed be made tomorrow of those who are to serve on this very important action Commission. Therefore, we may get back on track.

The reason for the delay, unfortunately, is the fact that the Commission, as the Senator from Missouri and others know, was to be appointed five by the House and their leadership, five by the Senate and their leadership, and five by the President, representing the executive branch.

Unfortunately, this has not moved as rapidly as many of us had anticipated and hoped. Therefore, I say that the remarks made by the Senator from Missouri with regard to the delay is discouraging.

However, I will simply point out, Mr. President, that everything that the Senator from Missouri has said about the difficulties of the industry is very real. But I will simply say that the previous studies that have been referenced by the Senator from Missouri, the bills that he has introduced, some of which I totally support, are trying to be designed in an expeditious fashion by the appointment of this action Commission—not just another study group, but an action Commission. And I have every confidence that report will be forthcoming and eventually be placed in an overall encompassing bill suggested by the President that we can take a look at and have action on this year while the Congress is in session.

So, therefore, I wish that we could move faster, but we have moved I think as fast as we can. Certainly, I am pleased that the very first action of any significance with regard to transportation when the Clinton administration came into office was the action of the talented Secretary of Transpor-

tation with regard to addressing the very concerns that the Senator from Missouri has been addressing and trying to do something about for a long, long time.

We can criticize the delay of a few weeks. The facts of the matter are the depths of the problems in the industry as a whole are so deep and so important to the future of transportation and jobs in the United States of America that I agree with the Clinton administration approach to do a 90-day action group Commission that will come forth with specific recommendations, and I suspect that many of them will be along the lines that have been suggested by the able Senator from Missouri and others.

Certainly predatory pricing is causing all kinds of havoc in the airline industry today. In fact, I have said before, to be in the airline commercial passenger industry business today you almost have to be in bankruptcy. If you are not in bankruptcy, you do not have the cash-flow to stay in business.

With regard to the Btu tax, certainly the Commission, I believe, will make a determination on that. But once again, that is something that I think has to be considered in overall policy. With regard to foreign investment in our airlines, this is just further deterioration of the fact that we are not only beginning to lose control of many important business interests in the United States today but, once again, we are relying on foreigners to invest in our companies, as foreigners have been investing ever increasingly in the bonds and other certificates of borrowing by the Federal Government, another indication that we are in big trouble.

Certainly, I agree with the concerns adequately and articulately expressed by my colleague and friend from Missouri regarding the Airbus. This is something that certainly has to be considered in concert with all the other problems which the Commission, that is going to be announced tomorrow, will deal with. Certainly, this may be described as a very slow tortoise-like pace. The facts of the matter are the problems are so deep in this industry that it has to be considered, in the view of this Senator, in an overall package and come forth with legislation that can hopefully be moved on through the Congress.

The other good news is that the individual who has been appointed as chairman of this committee that will be announced tomorrow has been actively engaged in finding the right kind of staff and finding office space as necessary. And I believe the Chairman of the Commission and the Commission members themselves are fully informed on the necessity of moving very rapidly on an action package that can solve or begin to solve the problems in this industry.

Therefore, I say that it is good news that the names are finally going to be

forthcoming, and there are lots of reasons—none of them fully justified, but reasons—for the delay; and that I hoped the Commission names would have been appointed 2 or 3 weeks ago. In any event, we are making progress. And I believe that no one understands the difficulty of the airline industry, and all of the people who work in it at several levels are in deep trouble today.

I salute once again the Clinton administration for putting this matter up front.

(The remarks of Mr. EXON pertaining to the introduction of S. 839 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GLENN. Mr. President, reserving the right to object, and I will not object, we have been protecting the floor here making sure that every speaker at the end of their remarks put us back into a quorum call. With that understanding, I will not object.

Mr. DOLE. Mr. President, I have no objection to that. I have a couple of statements on nonrelated issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

A NEW SHRILL, SOPHOMORIC TONE TAKES OVER AT THE NEW YORK TIMES

Mr. DOLE. Mr. President, as the Republican leader, I am used to taking my lumps on the editorial pages of a lot of liberal newspapers all across America, including some in Kansas. But no editorial page has ever been more personal, intolerant and, frankly, irresponsible than the New York Times these days. Unfortunately, it is part of a new editorial page direction the times is taking, leaving its traditional high road for the gutter. It is an embarrassing turn-for-the-worse at this world renowned newspaper.

The New York Times has a proud tradition of tolerating alternative and minority views. It has tenaciously defended the rights of the minority on issue after issue, stressing the importance of respecting and maintaining minority views. Regrettably, that tolerance no longer seems to apply to minority—or majority—views when they are held by Republicans. In nasty editorial after nasty editorial, the Times has attempted to rewrite history, portraying Republicans as a sinister anti-everything cabal, always up to no good. Fortunately, most Americans have a more refreshing and positive view—it is called two-party government, a concept with which the Times editorial page apparently cannot come to grips.

Since the first of the year, I have been smeared in a series of Times editorials. Again, I do not mind a good policy debate, but the Times has adopted such an ugly tone that it undermines its own credibility and adds little to civilized discourse. It has gotten to the point that we know we are doing something right when the New York Times editorial board goes into one of its hysterical, anti-Republican spasms.

Now, Republicans can have honest disagreements with the Times, but when our side of the story is ignored, and when false motives are attributed to me and my colleagues, it is time to speak up.

Perhaps the Times' unseemly step toward tabloid editorializing has do with the arrival of a new editor, a Mr. Howell Raines, who appears to be the Grinch who stole the Times' editorial page. According to a National Journal exposé, Mr. Raines' new attack-dog approach has even alarmed his colleagues on the editorial board, some of whom believe that the editorial page's newly pugnacious tone is nasty and shrill, unbecoming the Times' traditional voice of sober persuasion—and unlikely to advance the Times' agenda.

Now, I have had my differences with the New York Times during the years, but I have always respected its articulate voice and reasoned tone. How sad it is to see the Times tradition of excellence soiled by Mr. Raines' sophomoric ravings. Do not get me wrong; I certainly do not have a problem with colorful rhetoric, but there is a big difference between creative writing and undignified assaults. Even many prominent Democrats are apparently troubled by the Times' new attack mode.

For the record, neither Mr. Raines, nor his editorial board, has called me or my office since President Clinton's election. I have even offered to pay for the call if his editorial writers want to get the Republican view on any issue, but Mr. Raines has made it clear he and his staff do not want public policy input.

When I recently challenged a Times editorial on the Democrats' motor-voter legislation, and asked whether the Times editorial board had sought the views of myriad State and local officials concerned about this Federal mandate's unfunded price tag, Mr. Raines implicitly conceded in a letter he had not sought these legitimate views, responding "I do not think our advocacy would be influenced by the local and State officials you mention. It seems to me that our national experience has instructed us that the franchise cannot be trimmed to the convenience of office holders." Sounds to me like the Times did not want to let the facts get in the way of a cheap shot at Republicans.

Whether the New York Times likes it or not, Republicans will not be intimi-

dated by Mr. Raines and his undignified editorials, which insult Times readers with the notion that the opposition party should be seen but not heard. Neither I nor any of my Republican colleagues were elected to roll over and adopt Mr. Raines' misguided liberal agenda for huge taxes, colossal social welfare spending, massive deficits, and campaign reform certain to perpetuate Democrat monopoly control of Congress at taxpayer expense. In all fairness to President Clinton, we were not elected to be rubber stamps for his agenda either, which, hard to believe, often is not liberal enough for the Times' editorial board.

When we do not agree with President Clinton, Republicans will continue to offer constructive and responsible opposition government, and we will continue to do so on the high road. The low road is clear for Mr. Raines, and I will continue to draw inspiration from the personal assaults and insults from the New York Times editorial page, which all too often arrogantly confuses Mr. Raines' interest with the public interest.

Mr. President, the New York Times has never had a funnies page. Now, I am not so sure.

I ask unanimous consent that an article from the April 24 edition of the National Journal be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RAINES'S REIGN: THUNDER FROM THE TIMES

(By Paul Starobin)

Stomp. Clomp. Tromp. What are those sounds emanating from the 10th floor of The New York Times's citadel on West 43rd Street? Why, it's Howell Raines, since Jan. 1 the editor of the editorial page, settling into his new digs. And the reverberations are being felt by everyone from his editorial board colleagues in New York to the House Democratic leadership and other policy makers in Washington.

The lawmakers have been offended by a spate of recent editorials bludgeoning Congress for dawdling on campaign finance reform and related issues. House Majority Leader Richard A. Gephardt, D-Mo., complained about the fusillades in a recent get-together with the editorial board—and House Speaker Thomas S. Foley, D-Wash., plans to hike up to New York City to meet with the board as well.

It's no surprise that a bunch of thin-skinned (and, in point of fact, fairly svelte) politicians wouldn't take kindly to the jabs. But some members of the editorial board, over which Raines presides, don't like the editorial page's newly pugnacious tone, either; they view it as nasty and shrill, unbecoming the Times' traditional voice of sober persuasion—and unlikely to advance the agenda.

"We sound like the New York Post," a board member said—"an editorial page of shrill braying as opposed to sound argumentation." Some board members also fret that the prominence given to populist cannonballs on how Washington doesn't work leaves less space for considered commentary on national policy issues on which progress is more likely.

However, publisher Arthur Ochs Sulzberger Jr. said the Times' editorial page was evolving in response to changes on the news side of the operation, particularly a growing emphasis on public policy analysis. An editorial "can't merely be another analysis," the publisher said. "It's got to be more directive, in my judgment, than that. You're seeing that playing itself out on our page."

Some of the Times's elite readers say it's high time the paper got the lead out. In the past, the Times editorial page was "respected but not feared," said Thomas F. Gibson, director of public affairs in President Reagan's White House and now director of communications for the Wexler Group, a Washington-based public affairs and lobbying group. "People looked at The Washington Post for strong commentary that would make a difference," he said. "Frankly, people for the longest time haven't looked to The New York Times to do that. I say 'amen' if that's the new vision there."

The page's new tone and populist bent are just a couple of things that some board members don't like about life under Raines, who took command after four years as head of the Times' Washington bureau. The board member who compared the page to the New York Post also described Raines as an "autocratic type" unable or unwilling to treat his 12 colleagues as partners in what has traditionally been a collegial enterprise. "I think most people are shell-shocked," the member said. A second Times source said it was "a virtual certainty" that there would be departures from the board. "I think there's a lot of unhappiness," the source said—"a lot."

Raines initially declined a request for an interview, saying through an assistant that he preferred to allow his page to speak for itself. Later, he offered to have lunch with a reporter in New York, but a meeting could not be arranged before National Journal's deadline. Although Sulzberger, to whom Raines reports, declined to comment on reports of board discontent, he said, "It's very much Howell's page, but we are in alignment."

Internal turmoil aside, the new page has scored some hits. On March 10, The Times blistered EMILY's List, the women's fundraising group, for hiring the Washington powerhouse lobbying firm of Patton, Boggs & Blow to "do its ignoble work" and help win an exemption from campaign finance reforms. The editorial was criticized for its "nasty tone" by a defender of EMILY's List who wrote to The Times—but EMILY's List dropped Patton, Boggs as its lobbyist.

A House Democratic leadership source complained that "Raines used to be a Washington bureau chief, and you would think he would have some better understanding of the difficulties involved in getting major pieces of legislation through." But asked about the impact of the campaign finance editorials, the source said: "I wouldn't isolate The New York Times' editorial page, but I do think that editorial pages and public-interest groups have kept the pressure on to get this done sooner than some people [in Congress] would like to have it done."

A source at The Times observed of Raines: "Clearly he's making his mark at the page. He has strong views about domestic politics and much less of that sense that The Times must always hold its powder for the big one, which has been the standard view. . . . So he's really changed the style from an insider's page to probably what is much closer to a standard editorial page."

At the Times' Washington bureau, the kick-ass tone initially had reporters spilling



their morning coffee. "The general reaction of the newsroom was a collective sucking of breath—just, 'Wow,'" congressional correspondent Michael Wines said. "It really is a sea change of tone and emphasis."

A reason the editorials received so much newsroom notice—in the Washington bureau and in the Time's third-floor newsroom in New York—was that Raines could be everybody's boss one day: He's viewed as a prospect for the executive editor's job at The Times, now held by Max Frankel. Although some reporters like the tougher editorial tone, others think The Times has been too far out front on reform-of-Washington issues.

Congress hasn't been the Times' only target. Attorney General Janet Reno, for one, caught a bullet for her handling of the Waco (Texas) episode. "A very green Attorney General" approved the attack on the cult compound. The Times declared on April 21 in "Janet Reno's Disaster, and Ours." And in March, she took a hit for her call for the resignations of incumbent U.S. Attorneys. The attack on Reno drew a "furious" response from White House counsel Bernard W. Nussbaum, according to an editorial board member. President Clinton's director of communications, George R. Stephanopoulos, "apparently has been really watching us and is furious," the board member added.

Perhaps the White House didn't like "Mr. Clinton Heads for the Timber," the April 1 editorial that said that Clinton's "cave in" to western Senators opposed to higher grazing fees "was reminiscent of his behavior as governor of Arkansas, when he often favored the economic welfare of the chicken industry over strict regulation of its adverse effects on the environment."

Asked for a comment on the Times editorial page, Stephanopoulos replied, "I have a four-word response: It's a free country."

The adage, of course, is that it never pays for a politician to pick a fight with a publisher who buys ink by the barrel. But how many people really read editorials? The House Democratic leadership source said the wisest strategy for elected officials would be "not to lose a lot of sleep" over the Times' tirades. But the problem, the aide said, is that "Members don't like to be criticized." And, "I think there is a real resentment of the media that has built up over the perk and privilege issue." Lawmakers reason that "most of the big papers who write this stuff know better and are just taking cheap shots," the source explained.

With editorials like the one that listed PAC contributions to the five top members of the House Democratic leadership, The Times is viewed as personalizing the debate. It's almost as if Ross Perot had smuggled a United We Stand, America Inc. gremlin onto the 10th floor, a Capitol Hill source quipped.

A fly-fishing devotee who hails from Birmingham, Ala., Raines has a reputation for being a gifted, graceful writer. In 1992, he won the Pulitzer prize for feature writing for his first-person saga of his relationship with his family's black housekeeper.

He also has a reputation for bossiness. "He is autocratic," a Times Washington bureau reporter said. "A very dictatorial person," another reporter who worked for Raines at the Washington bureau said. Then again, someone else who once worked for Raines found him to be "amiable" and "a sensitive man interested in nurturing me."

Raines' predecessor, Jack Rosenthal, now the Sunday magazine editor, was widely known for an easy-going style that endeared him to editorial board members, some of whom hail from academia and not many of

whom have daily newspaper experience. "Howell is much more a New York Times-style figure—blunt, not very nice, very ambitious," a Times source said. "Jack Rosenthal is an unusually genteel man," said David K. Shieler, a Washington-based free-lance journalist who worked for The Times for 22 years.

A change that was not universally applauded—a source called it an example of "an obsessive, overbearing assertion of power"—was an edict banning food at the thrice-weekly editorial board meetings that Raines presides over. But another source said that the food situation had gotten out of hand with "a lot of spreading out of morning coffee and bagels and donuts. . . . People were accustomed to consensus and permissiveness," this source said, comparing the atmosphere to Montessori schools, where children are encouraged to direct their own learning without adult supervision. By that standard, the Raines regime might be thought of as English boarding school.

Traditionally, the 10th floor has been viewed as somewhere close to newspaper heaven. Editorial board members get a large office and a nice paycheck on the order of what an experienced Times reporter would earn. The price is anonymity. "It's sort of a golden dead end," a Times source said. "Really a cool deal."

Sources say Raines has been shooting down a lot of pieces proposed by board members and is also writing quite a few on his own. He seems to have ended, or at least suspended, a campaign by the Rosenthal-led editorial page on behalf of "managed competition" health care reform. Although this has some board members grumbling that The Times no longer has a declared view on one of the most important matters of the day, some health policy experts in Washington and elsewhere viewed the earlier managed competition crusade as obsessive and lacking in broad perspective. The writer of nearly all of the editorials, Michael M. Weinstein, has remained on the board.

Board member Dorothy Samuels, an ex-director of the New York Civil Liberties Union, has continued to write many of the editorials on campaign finance and related topics—but under the watchful editorial eye and prompting of Raines, according to sources.

The tough line on Clinton isn't a great surprise; last October, Raines called press cheerleading for Clinton "the most dramatic example of infatuation among some reporters since Kennedy."

Raines may, of course, alter his operating style—or colleagues may gradually get used to it. But don't expect changes in editorial tone. "Howell eats gunpowder for breakfast," Times reporter Wines said.

Mr. DANFORTH. Mr. President, will the Senator yield.

Mr. DOLE. I would be happy to yield to the Senator from Missouri.

Mr. DANFORTH. Mr. President, I am happy that I was on the floor to hear the Republican leader's comment. I can understand exactly how he must feel, having read the editorial page of the New York Times particularly this past week which lashed out at him in a very personal way on at least two occasions.

I would simply say that my own comments would be uttered more really in sorrow than in anger because we all benefit from thoughtful editorials and from thoughtful editorial pages. Even though we may disagree with a par-

ticular editorial or even the basic drift of a particular editorial page, thoughtful editorials play a very significant role in what we do in the Senate.

They help us in our deliberations. But the problem is that the New York Times editorial page has become so predictable and so extreme in its way of expressing itself. Day after day we are told that President Clinton's program is not simply a wonderful program. It is a veritable art work, not to be changed in any detail. And it is described in words such as sparkling, dazzling, and day after day Republicans who may disagree with the President are viewed as being villains, and the head villain of course is the Republican leader, Senator DOLE.

You never win a fight with a newspaper. All of us in politics understand that. This is a losing effort. But as the New York Times is entitled to its opinion, so is the Republican leader, and so are all Americans entitled to their opinions. I would simply say to my leader I am grateful that he has expressed his opinion on this matter.

Mr. DOLE. I thank the distinguished Senator from Missouri. I certainly, as I said, have a great deal of respect for the newspaper, the world's leading newspaper. But there has been a new policy adopted. It has caused a split on the editorial staff. Mr. Raines spent some time in Washington, where I guess he learned all these things he now writes about. And I know Democrats have gone to New York to sit down, to visit with Mr. Raines, because they have been scalded too. But I guess you can say when it "Raines, it pours."

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

#### MORNING BUSINESS

Mr. GLENN. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Edwin R. Thomas, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 3:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and requests the concurrence of the Senate:

H.R. 798. An act to amend title 38, United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans as such rates took effect on December 1, 1992.

H.R. 1032. An act to amend title 38, United States Code, to provide for improved and expedited procedures for resolving complaints of unlawful employment discrimination arising within the Department of Veterans Affairs.

## ENROLLED BILLS SIGNED

At 4:12 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 62. Joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Rights Week".

S.J. Res. 66. Joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as "National Organ and Tissue Donor Awareness Week."

## MEASURES REFERRED

The following bills, previously received from the House of Representatives for concurrence, were read, and referred as indicated:

H.R. 798. An act to amend title 38, United States Code, to codify the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans as such rates took effect on December 1, 1992; to the Committee on Veterans Affairs.

H.R. 1032. An act to amend title 38, United States Code, to provide for improved and expedited procedures for resolving complaints of unlawful employment discrimination arising within the Department of Veterans Affairs; to the Committee on Veterans Affairs.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-751. A communication from the Principal Deputy (Production and Logistics), Assistant Secretary of Defense, transmitting, pursuant to law, notice of a delay in the submission of a report on Base Structure; to the Committee on Armed Services.

EC-752. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to a deferral of budget authority; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Agriculture, Nutrition and Forestry.

EC-753. A communication from the Chairman of the Defense Base Closure and Realignment Commission, transmitting, pursuant to law, notice of documentation of certified material relative to the Defense Logistics Agency; to the Committee on Armed Services.

EC-754. A communication from the Deputy General Counsel, Office of General Counsel, Department of Defense, transmitting, a draft of proposed legislation entitled "Military Construction Authorization Act for Fiscal Year 1994"; to the Committee on Armed Services.

EC-755. A communication from the Secretary of Defense, transmitting, pursuant to law, the report on the conduct of the National Security Education Program; to the Committee on Armed Services.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, without amendment:

S. 3. A bill entitled the "Congressional Spending Limit and Election Reform Act of 1993" (Rept. No. 103-41).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MOYNIHAN, from the Committee on Finance:

Frank N. Newman, of California, to be an Under Secretary of the Treasury.

Leslie B. Samuels, of New York, to be an Assistant Secretary of the Treasury.

Jack R. Devore, Jr., of Texas, to be an Assistant Secretary of the Treasury.

Ronald K. Noble, of New York, to be an Assistant Secretary of the Treasury.

(The above nominations were reported with the recommendation that the nominations be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

The following-named officer, under the provisions of title 10, United States Code, section 601, for assignment to a position of importance and responsibility as follows:

## To be lieutenant general

Maj. Gen. John J. Sheeha xxx-xx-xxxx, U.S. Marine Corps.

The following-named officer to be placed on the retired list under the provisions of title 10, United States Code, section 1370:

## To be lieutenant general

Lt. Gen. Martin L. Brandtne xxx-xx-xxxx, USMC.

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

## To be lieutenant general

Lt. Gen. Barry R. McCaffrey xxx-xx-xxxx, U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated

under the provisions of Title 10, United States Code, Section 1370:

## To be lieutenant general

Lt. Gen. Edwin S. Leland, Jr. xxx-xx-xxxx, U.S. Army.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

## To be lieutenant general

Lt. Gen. Robert D. Chelber xxx-xx-xxxx, U.S. Army.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

## To be lieutenant general

Maj. Gen. Michael E. Rya xxx-xx-xxxx, U.S. Air Force.

The U.S. Army National Guard officer named herein for appointment in the Reserve of the Army of the United States in the grade indicated below, under the provisions of title 10, United States Code, sections 593(a) and 3371:

## To be major general

Brig. Gen. John R. D'Araujo xxx-xx-xxxx

Reported by Mr. NUNN with the recommendation that the nominations be confirmed.

From the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (\*) are to be placed on the Executive Calendar. Those identified with a double asterisk (\*\*) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

\*In the Marine Corps Reserve there are 2 promotions to the grade of major general (list begins with Albert C. Harvey Jr.) (Reference No. 66)

\*In the Marine Corps Reserve there are 4 appointments to the grade of brigadier general (list begins with Jerry E. Ward) (Reference No. 82)

Total: 6.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself and Mr. CONRAD):

S. 833. A bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes; to the Committee on Finance.

S. 834. A bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes; to the Committee on Finance.

By Mr. COHEN:

S. 835. A bill for the relief of Pandelis Perdakis; to the Committee on the Judiciary.



By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 836. A bill to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro (The Royal Road of the Interior Lands), and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SIMON (for himself, Mr. HATCH, Mr. DECONCINI, and Mr. METZENBAUM):

S. 837. A bill to prohibit certain political activities of certain Federal officers in the office of National Drug Control Policy; to the Committee on Governmental Affairs.

By Mr. KOHL:

S. 838. A bill to amend the Harmonized Tariff Schedule of the United States to correct the rate of duty on certain agglomerated cork products; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. EXON, and Mr. LAUTENBERG) (by request):

S. 839. A bill to establish a program to facilitate development of high-speed rail transportation in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SIMON (for himself, Mr. FEINGOLD, Mr. BAUCUS, Mr. DORGAN, and Mr. INOUE):

S.J. Res. 86. Joint resolution commemorating the fiftieth anniversary of the founding of the Food and Agriculture Organization of the United Nations and reaffirming the United States commitment to end hunger and malnutrition; to the Committee on Agriculture, Nutrition, and Forestry.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself and Mr. HATCH):

S. Res. 101. A resolution authorizing printing additional copies of Senate hearing titled "Nomination of Judge Clarence Thomas to be Associate Justice of the Supreme Court of the United States"; to the Committee on Rules and Administration.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself and Mr. CONRAD):

S. 833. A bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners, clinical nurse specialists, and certified nurse midwives, to increase the delivery of health services in health professional shortage areas, and for other purposes; to the Committee on Finance.

S. 834. A bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes; to the Committee on Finance.

#### SOCIAL SECURITY LEGISLATION

Mr. GRASSLEY. Mr. President, today, on behalf of myself and Senator

CONRAD, I am introducing two bills which, if enacted, would increase access to primary care for Medicare beneficiaries in rural and inner city communities. The Primary Care Health Practitioner Incentive Act of 1993, and the Physician Assistant Incentive Act of 1993, would reform Medicare reimbursement to nurse practitioners [NP's], clinical nurse specialists [CNS's], certified nurse midwives [CNM's], and physician assistants.

I introduced these bills in the 102d Congress in November 26, 1991, with Senator MOYNIHAN, and a statement and the text of the bills can be found on page S18426 of the CONGRESSIONAL RECORD for that date. A modified version of both these bills was included last year in the Senate version of H.R. 11, but were dropped in the House-Senate conference on that bill.

We are reintroducing these bills in the conviction that access to primary health care services for Medicare beneficiaries would be improved if we reformed the Medicare policies that place a limit on Medicare coverage of so-called physician services provided by these nonphysician providers.

These bills call for reimbursement of these provider groups at 97 percent of the physician fee schedule for services they perform regardless of geographic location or type of practice setting. The services include those which these providers are currently legally authorized to perform under State law whether or not the provider is under the supervision of, or associated with, a physician or other health care provider where that is permitted under State law.

In addition, modeled after the bonus payment of physicians who work in health professional shortage areas [HPSA's], these bills would permit the practitioners covered by this legislation who work in such shortage areas to be paid a bonus payment. We have included this provision to encourage nonphysician practitioners to relocate to areas in need of health care services.

#### THE PROBLEM

The Medicare program currently covers the services of all of these practitioners. However, various payment mechanisms are established for each and, for some, coverage is limited to certain geographic areas or types of facilities. The legislation authorizing these different reimbursement arrangements was passed in an incremental fashion over the years.

The underlying public Law for reimbursement of these providers is also inconsistent with State law in many cases. For instance, in Iowa, State law requires nonphysicians to practice with either a supervising physician or collaborating physician. But under Iowa law the supervising physician need not be physically present in the same facility as the nonphysician practitioner and, in many instances, may be, and is,

located in a site physically remote from that of the nonphysician practitioner he or she is supervising. In many instances, Medicare reimbursement policy will not recognize such relationships and instead requires that the physician be present in the same building as the nonphysician practitioner in order for services to be covered. This is known as the incident to provision, referring to services that are provided incident to a physician's services.

This has created a serious problem in Iowa, Mr. President. In many parts of my State, clinics have been established using nonphysician practitioners, particularly physician assistants, in order to provide primary health care services in communities that are unable to recruit a physician. The presence of these practitioners insures that primary health care services will be available to the community.

Iowa's Medicare carrier has strictly interpreted the incident to requirement of Medicare law as requiring the physical presence of a supervising physician in places where physician assistants practice. This has caused many of the clinics using physician assistants to close, and thus has deprived the community of primary health care services.

#### THIS LEGISLATION

If enacted, this legislation would establish a more uniform payment policy for these providers. And it would authorize coverage of these health care workers as long as they were practicing within State law and their professional scope of practice.

The legislation is based on the physician payment reform implemented beginning in January, 1992. The theory underlying it is that a particular service should have the same value whether it is performed by a physician or by another practitioner as long as that practitioner is licensed to practice by the State and is practicing within their scope of practice. The 3 percent payment differential is based on the malpractice expense difference encountered by physicians as contrasted with these practitioners.

Currently, the services of these non-physician practitioners are paid at 100 percent of the physician's rate when provided incident to physicians' office services. If enacted, this legislation would discontinue this policy.

#### IMPLICATIONS FOR ACCESS TO CARE FOR MEDICARE BENEFICIARIES

I am pleased that the Clinton administration appears committed to increasing access to primary health care services. I believe that the legislation Senator CONRAD and I are introducing today should contribute to that end. If enacted, this legislation should encourage greater participation in the Medicare Program in underserved areas by these practitioner groups. I believe that this will increase access to primary care services for Medicare bene-

ficiaries. Many communities, both urban and rural, I should add, cannot support the services of a full-time physician assistant or nurse practitioner. Therefore, the bill, if enacted, should improve access to primary care in many inner city and rural communities.

Mr. President, I ask unanimous consent that the full text of the bills be included in the RECORD after my statement.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 833

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Primary Care Health Practitioner Incentive Act of 1993".

#### SEC. 2. INCREASED MEDICARE REIMBURSEMENT FOR NURSE PRACTITIONERS, CLINICAL NURSE SPECIALISTS, AND CERTIFIED NURSE MIDWIVES.

##### (a) INCREASED PAYMENT.—

(1) NURSE PRACTITIONERS, CLINICAL NURSE SPECIALISTS, AND CERTIFIED NURSE MIDWIVES.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—

(A) in subparagraph (K), by striking "80 percent" and all that follows through "physician" and inserting "97 percent of the fee schedule amount provided under section 1848 for the same service performed by a physician"; and

(B) in subparagraph (M) the second place it appears, by striking "80 percent" and all that follows through "(r)(2)" and inserting "97 percent of the fee schedule amount provided under section 1848 for the same service performed by a physician".

(2) NURSE PRACTITIONERS.—Section 1842(b)(12)(A)(ii) of the Social Security Act (42 U.S.C. 1395u(b)(12)(A)(ii)) is amended—

(A) in subclause (I), by striking "65 percent" and inserting "65 percent or in the case of nurse practitioner services 97 percent"; and

(B) in subclause (II), by striking "or for services" and all that follows through "1848" and inserting "or in the case of nurse practitioner services 97 percent of the fee schedule amount specified in section 1848 for the same service performed by a physician or for physician assistants the fee schedule amount specified in such section".

(b) DIRECT PAYMENT FOR NURSE PRACTITIONERS OR CLINICAL NURSE SPECIALISTS.—Section 1832(a)(2)(B)(iv) of such Act (42 U.S.C. 1395k(a)(2)(B)(iv)) is amended by striking "provided in a rural area (as defined in section 1880(d)(2)(D))".

(c) BONUS PAYMENT FOR SERVICES PROVIDED IN HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 1833(m) (42 U.S.C. 1395l(m)) is amended—

(1) by inserting "(1)" after "(m)"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of services of a nurse practitioner, clinical nurse specialist or certified nurse midwife furnished to an individual, described in paragraph (1), in an area that is a health professional shortage area as described in such paragraph, in addition to the amount otherwise paid under this part, there shall also be paid to such service provider (or to an employer in the cases described in clause (C) of section 1842(b)(6)) (on a monthly

or quarterly basis) from the Federal Supplementary Medical Trust Fund an amount equal to 10 percent of the payment amount for the service under this part."

(d) DEFINITION OF CLINICAL NURSE SPECIALIST CLARIFIED.—Section 1861(aa)(5) of such Act (42 U.S.C. 1395x(aa)(5)) is amended—

(1) by striking "clinical nurse specialist" each place it appears; and

(2) by inserting "(A)" after "(5)" and by adding at the end the following new subparagraph:

"(B) The term 'clinical nurse specialist' means, for purposes of this Act, an individual who—

"(i) is a registered nurse and is licensed to practice nursing in the State in which the clinical nurse specialist services are performed; and

"(ii) holds a master's degree in a defined clinical area of nursing from an accredited educational institution."

(e) REMOVAL OF RESTRICTIONS ON SETTINGS.—Section 1861(s)(2)(K) of such Act (42 U.S.C. 1395x(s)(2)(K)) is amended—

(1) in clause (ii), by striking "in a skilled" and all that follows through "1919(a)"; and

(2) in clause (iii), by striking "in a rural" and all that follows through "(d)(2)(D)".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after July 1, 1993.

S. 834

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Physician Assistant Incentive Act of 1993".

#### SEC. 2. INCREASED MEDICARE REIMBURSEMENT FOR PHYSICIAN ASSISTANTS.

(a) IN GENERAL.—Section 1842(b)(12) of the Social Security Act (42 U.S.C. 1395u(b)(12)) is amended—

(1) by striking "a physician assistants" in subparagraph (A) and inserting "physician assistants";

(2) by striking "65 percent" in subclause (I) of subparagraph (A)(ii) and inserting "applicable percentage (as defined in subparagraph (B))";

(3) by striking subclause (II) of subparagraph (A)(ii) and inserting the following new subclause:

"(II) In other cases, for services of a physician assistant the applicable percentage (as so defined) of the fee schedule amount specified in section 1848, or for services of a nurse practitioner the fee schedule amount specified in such section, for the same service performed by a physician who is not a specialist."

(4) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) In subparagraph (A)(ii), the term 'applicable percentage' means—

"(i) 97 percent in the case of services performed by physician assistants, and

"(ii) 65 percent in the case of services performed by nurse practitioners."

(b) BONUS PAYMENT FOR SERVICES PROVIDED IN HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 1833(m) of such Act (42 U.S.C. 1395l(m)) is amended—

(1) by inserting "(1)" after "(m)"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of services of a physician assistant furnished—

"(A) to an individual described in paragraph (1),

"(B) in a health professional shortage area as described in such paragraph.

in addition to the amount otherwise paid under this part, there shall also be paid to such physician assistant (or to an employer in the cases described in clause (C) of section 1842(b)(6)) (on a monthly or quarterly basis) from the Federal Supplementary Medical Trust Fund an amount equal to 10 percent of the payment amount for the service under this part."

(c) REMOVAL OF RESTRICTION ON EMPLOYMENT RELATIONSHIP.—Section 1842(b)(6) of such Act (42 U.S.C. 1395u(b)(6)) is amended by adding at the end the following new sentence: "For purposes of clause (C), an employment relationship may include any independent contractor arrangement, and an employer status shall be determined in accordance with the law of the State in which the services described in such clause are performed."

(d) REMOVAL OF RESTRICTION ON SETTINGS.—Section 1861(s)(2)(K)(i) of such Act (42 U.S.C. 1395x(s)(2)(K)(i)) is amended by striking "(I) in a hospital" and all that follows through "shortage area".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after July 1, 1993.

Mr. CONRAD. Mr. President, I am pleased to join Senator GRASSLEY in introducing the Primary Care Health Practitioner Incentive Act and the Physician Assistant Incentive Act. The proposals we are introducing today rationalize Medicare reimbursement for a set of primary care providers who must play an important role in a reformed American health care system—nurse practitioners, clinical nurse specialists, certified nurse-midwives and physician assistants.

These providers play an important role in our health care delivery infrastructure, particularly in rural areas, but have never been utilized to their fullest potential. Each specialty has its own training requirements. For example, nurse practitioners are registered nurses who have advanced education and clinical training in a health care specialty area that is either age- or setting-specific. A few examples include pediatrics, adult health, geriatrics, women's health, school health, and occupational health. Nurse practitioners generally perform services like assessment and diagnosis, and provide basic primary care treatment.

Almost half of the 25,000 nurse practitioners across the nation have master's degrees. Clinical nurse specialists, on the other hand, are required to have master's degrees and are found more frequently in tertiary care settings in specialties like cardiac care. However, many also practice in primary care settings.

Physician assistants on average receive 2 years of physician-supervised clinical training and classroom instruction. Unlike nurse practitioners, they are educated using the medical model of care, rather than the nursing process. Physician assistants work in all settings providing diagnostic, therapeutic, and preventive care services.

A certified nurse-midwife is a registered nurse with advanced training in



midwifery. Certified nurse midwives are certified by the American College of Nurse-Midwives, and generally receive training either in 1-year non-degree programs or 2-year master's degree programs. More than half of the 2,600 certified nurse-midwives practicing today hold master's degrees. They specialize in reproductive care for women and conduct well over 2 million deliveries each year.

Members of each of these provider groups work with physicians to varying degrees. They generally work in consultation with physicians. As their professions and educational opportunities have developed, their roles have expanded to the point where each has become an integral contributor to our health care system, particularly where areas are short of physicians. Today, one often finds a nurse practitioner or physician assistant staffing a clinic where no physician is present.

Within their areas of competence, nurse practitioners, clinical nurse specialists, certified nurse-midwives and physician's assistants furnish care of exceptional quality. Numerous studies have demonstrated that they do a particularly effective job of providing preventive care, supportive care and health promotion services. They also emphasize communication with patients and provide effective follow-up with patients. These qualities will all be especially important in a reformed national health system that places greater emphasis on primary care.

As the law stands today, Medicare provides for reimbursement of nurse practitioners, physicians' assistants and clinical nurse specialists working with physicians. But because of the incremental way in which the various payment mechanisms have been established, reimbursement varies widely by setting and type of provider. For example, payments to physicians' assistants must be made through their employing entity. Payments to nurse practitioners, certified nurse-midwives and clinical nurse specialists are made on an assignment-related basis. Reimbursement for all four classes of providers varies depending on the setting in which they perform their services.

Medicare requirements can hinder the ability of practices to set up satellite clinics that are staffed by providers other than physicians. For example, although the State of North Dakota allows for broad use of such providers, the reimbursement levels provided by Medicare can create difficulty both for the providers and the practices themselves.

In rural North Dakota, and in many other areas throughout the country, one or two doctors might rotate between a series of clinics. The clinics might also be staffed by physician's assistants, nurse practitioners or other providers. If a Medicare patient requires care when a doctor is conducting

business away from the clinic, and the only provider present is a physician assistant, the clinic can't be reimbursed by Medicare for care he or she provides to that individual—the same care that would be reimbursed if the physician were in the next room. The State of North Dakota allows that same physician's assistant to provide the care without a physician present, but Medicare provides no reimbursement.

In this situation, the physician assistant has a few options. First, he or she can tell the Medicare patient, who obviously needs care, to come back when the physician is present, so the clinic can receive Medicare reimbursement. The second option is to accompany the patient to the closest hospital and provide the care through the emergency room, at an added cost to the Medicare program and the American taxpayer. Third, he or she can simply see the patient, knowing the clinic will not be compensated by Medicare. Finally, the physician assistant can provide the care, and the clinic then apply for Medicare reimbursement under the physician's provider number—an option none of us would prefer.

And in areas where there is no physician at all, but where alternative providers may be available, those providers will be unable to operate a financially viable practice. While the State of North Dakota allows and promotes the use of such providers, Medicare essentially precludes their use in the areas where they are needed most—communities where no physician is available, or where a physician is available only part time.

It is because of situations like these that the Office of Technology Assessment, the Physician Payment Review Commission and the providers themselves have all expressed the need for consistency, and for a reimbursement scheme that acknowledges reality.

Greater use of nurse practitioners, physician assistants, clinical nurse specialists and certified nurse-midwives can improve our ability to provide health care services in areas where access to providers can be difficult. These providers have historically been willing to move to both rural and inner-city areas that are undeserved by health care providers. In fact, they are located in about 50 communities throughout North Dakota.

Many communities that cannot support a physician can support a fulltime nurse practitioner or physician assistant. As I have already discussed, some towns already utilize these providers to some extent. North Dakotans and residents of many other States recognize the value of each of these health care professionals, and appreciate the access to quality care they provide. But although North Dakota improves access to health care for our rural residents by allowing for relatively broad utilization of these providers, our ef-

forts are impeded by an irrational Federal reimbursement scheme. But no matter what the State of North Dakota does, unless changes are made in Federal reimbursement, we will never encourage use of nurse practitioners, physician assistants, clinical nurse specialists and certified nurse-midwives to the greatest extent we need to provide rural residents with access to primary care.

The bills Senator GRASSLEY and I are introducing would help eliminate the barrier to using these important primary care providers. The bills provide each of these provider groups with reimbursement at 97 percent of the physician fee schedule for the services they provide, regardless of practice setting or location. By doing so, our proposals eliminate the types of irrational situations that arise in areas where a physician simply cannot be present at all times. Another important provision allows for a bonus payment to these providers if they elect to practice in Health Professional Shortage Areas [HPSA's]. All but six counties in North Dakota are completely or partially designated as HPSA's. The health care access problems residents of those counties experience could be substantially alleviated by the presence of this special class of primary care providers.

The improvements in the reimbursement structure that Senator GRASSLEY and I advocate are sensible and will pay dividends in improved health access to health care for Americans living in rural and urban areas alike. Our proposals are also consistent with the philosophy behind the resource-based relative value scale, which pays different types of physicians the same when they provide identical services. And by rationalizing Medicare reimbursement, our proposals will better enable practices to utilize nurse practitioners, certified nurse-midwives, clinical nurse specialists and physician assistants in a variety of settings.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 836. A bill to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro (The Royal Road of the Interior Lands), and for other purposes; to the Committee on Energy and Natural Resources.

EL CAMINO REAL DE TIERRA ADENTRO STUDY  
ACT OF 1993

• Mr. BINGAMAN. Mr. President, I rise today to introduce legislation to amend the National Trails System Act to provide for a study of El Camino Real de Tierra Adentro, the Royal Road of the Interior Lands. For nearly 300 years, El Camino Real de Tierra Adentro was the primary route for clergy, colonists, soldiers, Indians, officials, and trade caravans between Mexico and New Mexico. Originating as an Indian trail following the Rio Grande

from Taos Pueblo in the north to El Paso del Norte—today's El Paso, TX—the route fostered trade and cultural exchange between the Pueblo Indians of New Mexico and the native cultures of Meso-America. This exchange went on for centuries prior to the arrival of the Europeans from Spain.

From the Spanish colonial period (1598–1821) through the Mexican national period (1821–1848), and through part of the United States Territorial period (1848–1912), El Camino Real de Tierra Adentro extended 1800 miles from Mexico City through Chihuahua City, El Paso del Norte, and on to Santa Fe in northern New Mexico. This road was the first to be developed by Europeans in what is now the United States. For a time it was one of the longest roads in North America.

Mr. President, historically significant routes such as El Camino Real make history come alive for residents as well as visitors to New Mexico and Texas. National Historic Trail designations are a low cost, low impact way to chronicle and interpret the history of movement across and into our Nation. The legislation I am introducing today authorizes a study of El Camino Real de Tierra Adentro in order to evaluate the appropriateness of adding it to the National Historic Trail System. The study will be done in cooperation with the Government of Mexico and provides for technical assistance with the possible objective of establishing an international historic trail. Today, as our ties to Mexico grow ever closer, it is vital that we take steps to understand our linked past.

I am pleased that my colleague from New Mexico, Senator DOMENICI, is a cosponsor of this bill. I understand that companion legislation to this bill will be introduced shortly in the House by Congressman RICHARDSON and Congressman COLEMAN. With this level of support, I hope we can look forward to speedy passage of this bill.

I ask unanimous consent that this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows.

S. 836

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "El Camino Real de Tierra Adentro Study Act of 1993."

#### SEC. 2. FINDINGS.

Congress finds that—

(1) El Camino Real de Tierra Adentro was the primary route for nearly 300 years that was used by clergy, colonists, soldiers, Indians, officials, and trade caravans between Mexico and New Mexico;

(2) from the Spanish colonial period (1598–1821), through the Mexican national period (1821–1848), and through part of the United States Territorial period (1848–1912), El Camino Real de Tierra Adentro extended 1,800 miles from Mexico City through Chihuahua

City, El Paso del Norte, and on to Santa Fe in northern New Mexico;

(3) the road was the first to be developed by Europeans in what is now the United States and for a time was one of the longest roads in North America; and

(4) El Camino Real de Tierra Adentro, until the arrival of the railroad in the 1880's, witnessed and stimulated great multi-cultural exchanges and the evolution of nations, peoples, and cultures.

#### SEC. 3. DESIGNATION OF TRAIL.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

"(36)(A) El Camino Real de Tierra Adentro, the approximately 1,800 mile route extending from Mexico City, Mexico, across the international border at El Paso, Texas, to Santa Fe, New Mexico.

"(B) The study shall—

"(i) examine changing routes within the general corridor;

"(ii) examine major connecting branch routes; and

"(iii) give due consideration to alternative name designations.

"(C) The study shall be done in cooperation with the Government of Mexico and shall provide for, as necessary, technical assistance to Mexico with the possible objective of establishing an international historic trail."•

By Mr. SIMON (for himself, Mr. HATCH, Mr. DECONCINI, and Mr. METZENBAUM):

S. 837. A bill to prohibit certain political activities of certain Federal officers in the Office of National Drug Control Policy; to the Committee on Governmental Affairs.

#### OFFICE OF NATIONAL DRUG CONTROL POLICY POLITICAL ACTIVITIES ACT OF 1993

• Mr. SIMON. Mr. President, today I am introducing legislation to prohibit political campaigning and political management by appointed officers of the Office of National Drug Control Policy [ONDCP], commonly known as the drug czar's office. I am pleased to be joined in this effort by Senators HATCH, DECONCINI, and METZENBAUM.

Mr. President, the Office of National Drug Control Policy is responsible for the formation and implementation of our national drug control strategy. Appointees to this office perform a public service that requires leadership on a complex issue which affects the lives and well-being of all Americans. While I do not expect the drug director and other appointees to act in a political vacuum, I cannot accept the blatant politicization of the office which occurred under the previous administrations.

Last year, the Orlando Sentinel reported that 42 percent of the positions at ONDCP were patronage positions. This is the highest percentage of political patronage positions in any Federal governmental agency. By comparison, the Justice Department and the Departments of the Army, Navy and Air Force each had less than 1 percent. The article also noted that some staff members in key positions at ONDCP "did not even mention the word 'drugs' in

their job applications." The high percentage of political appointees coupled with the general lack of experience with the drug issue severely undermined the legitimacy of the office.

I believe this is a direct result of the politicization of the office which began under former drug czar William Bennett. During his tenure as drug czar, Mr. Bennett traveled the Nation making political campaign speeches on behalf of administration-endorsed political candidates. Upon his resignation, Mr. Bennett was the first choice to head the Republican National Committee—it would have been a natural transition.

Gov. Bob Martinez, who cochaired the 1988 Bush Presidential campaign replaced Mr. Bennett as drug czar. Prior to his confirmation hearings, I stated that I would oppose his nomination unless he made a commitment to refrain from partisan political activity in his office. He refused to make that commitment and that was one of the reasons I opposed his nomination. Mr. Martinez, following in the footsteps of his predecessor, also engaged in partisan political activities; last year he was part of a so-called Republican truth squad that appeared at the Democratic Convention.

This is not to say that I oppose a high-profile drug director. I do not. But I do oppose the use of the office as a partisan bully pulpit, and I intend to oppose any nominee to the drug director's office who will not agree to refrain from partisan political activity. I hope that the administration's choice for drug director will agree to make such a commitment.

Last fall, I offered an amendment to limit political activity in the drug director's office on H.R. 5488, the fiscal year 1993 Treasury postal appropriations bill. The Senate approved my amendment by voice vote. It prohibits the use of those appropriated funds to pay for public appearances in political campaigns by drug czar appointees. The legislation I am introducing today would go one step further to prohibit political campaigning and political management by these officers.

Some progress has been made in the effort to fight illegal drug use in the United States, most notably in the continuing decline in casual cocaine use, but there is absolutely no doubt that there is still work to do. The increases in hard core cocaine use and heroin availability and the soaring drug-related murder toll put our modest progress in perspective. In my home State of Illinois, there were three times as many murders in 1992 than there were deaths of U.S. Armed Forces in the Persian Gulf war. According to law enforcement officials, many of these fatalities were connected to the drug trade.

Politics cannot continue to overshadow the important mission of the



Office of National Drug Control Policy. I believe this legislation is an important step in helping to restore some respect and credibility to the drug director's office. I urge my colleagues to cosponsor this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 837

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Office of National Drug Control Policy Political Activities Act of 1993".

#### SEC. 2. PROHIBITIONS ON POLITICAL ACTIVITIES.

(a) IN GENERAL.—Section 1003(a)(2) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1502) is amended—

(1) by inserting "(A)" after "(2)"; and  
(2) by adding at the end thereof the following new subparagraph:

"(B) The Director, the Deputy Director for Demand Reduction, the Deputy Director for Supply Reduction, and the Associate Director for National Drug Control Policy shall not take an active part in political management or in political campaigns. No later than 90 days after the date of the enactment of this subparagraph, the Director of the Office of Personnel Management shall promulgate regulations prescribing what actions constitute an active part in political management or in political campaigns for purposes of this subparagraph."

(b) AMENDMENT TO HATCH ACT PROVISIONS.—Section 7324(d) of title 5, United States Code, is amended—

(1) in paragraph (1) by inserting before the semicolon " , except for an employee as provided under section 1003(a)(2)(B) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1502(a)(2))"; and

(2) in paragraph (3) by inserting before the semicolon " , except for an employee as provided under section 1003(a)(2)(B) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1502(a)(2))".

By Mr. KOHL:

S. 838. A bill to amend the Harmonized Tariff Schedule of the United States to correct the rate of duty on certain agglomerated cork products; to the Committee on Finance.

#### CORK PRODUCTS DUTY ACT OF 1993

• Mr. KOHL. Mr. President, I rise today to introduce legislation amending certain provisions of the Harmonized Tariff Schedule of the United States [HTS] dealing with classification of agglomerated cork. This legislation is necessary to correct an unintended change in the tariff treatment of certain cork products that resulted from the replacement of the Tariff Schedules of the United States [TSUS] with the HTS. My legislation would reinstate the historical tariff treatment for these products which existed for many years prior to the adoption of the HTS. By restoring the tariff treatment for agglomerated cork that prevailed

under the TSUS, this legislation will not only make the HTS consistent with the original congressional intent, but will also reduce the cost of cork to U.S. industry and U.S. consumers and will retain jobs in the United States.

#### PRODUCT DESCRIPTION

This bill will affect the tariff treatment of two separate product groups: First, cork/rubber composites, consisting of blocks, cylinders, frame members, and other shapes, and second, composition cork products consisting of blocks, cylinders, and other shapes. Cork/rubber (also known as vulcanized cork/rober) is manufactured from raw cork which is ground to specific grades and combined with synthetic rubber. Composition cork is made from raw cork wood which is ground into granules of uniform sizes and then combined with binders such as animal glue, polymers, and resins. The material is then pressed into block or cylindrical molds and heat cured for stability. Once they arrive in the United States, these molded shapes of cork/rubber and composition cork are manufactured into gaskets, seals, insulation, floor and wall coverings, bulletin boards, and other products.

#### THE EFFECT OF CONVERSION FROM THE TSUS TO THE HTS ON TARIFF CLASSIFICATION OF AGGLOMERATED CORK

The purpose of the bill I am introducing today is to restore the duty that prevailed under the TSUS for both vulcanized cork/rubber and composition cork. For nearly 20 years, cork/rubber and composition cork are manufactured into gaskets, seals, insulation, floor and wall coverings, bulletin boards, and other products.

#### THE EFFECT OF CONVERSION FROM THE TSUS TO THE HTS ON TARIFF CLASSIFICATION OF AGGLOMERATED CORK

The purpose of the bill I am introducing today is to restore the duty that prevailed under the TSUS for both vulcanized cork/rubber and composition cork. For nearly 20 years, cork/rubber was imported under TSUS item 220.25 which provides for vulcanized sheets and slabs wholly of ground or pulverized cork and rubber. During the same period, composition cork was imported under TSUS item 220.20 which provides for natural and composition cork, not further advanced than cut or molded into blocks, rods, sheets, slabs, stick, strips, and similar shapes. Cork/rubber classifiable under Item 220.25 was dutiable at the rate of 3.7 percent, while composition cork under item 220.20 was dutiable at the rate of 2.5 cents per pound—5.5 percent per kilogram.

In 1989, the TSUS was replaced by the HTS. This new tariff nomenclature was designed to facilitate trade by making the system for classifying imports uniform among the United States and its major trading partners. Congress, however, did not intend the conversion from the TSUS to the HTS to result in any significant changes to the rates of duty on individual products.

When Congress enacted the HTS, the same language which was contained in Item 220.25 was inserted as subheading 45.4.10.10 and the rate of duty was maintained at 3.7 percent. Because the language was qualified by the superior heading for blocks, plates, sheets, and strip in subheading 45.4.10, however, the customs service recently ruled that vulcanized blocks, cylinders and frame members did not qualify under the provisions from vulcanized sheets and slabs in subheading 4504.10.10. It then relegated such products to the residual provisions of subheading 4504.10.50, which carries a rate of duty equal to 18 percent ad valorem.

The implementation of the HTS had a similar effect on composition cork. While HTS subheading 4502 maintains the same tariff treatment for natural cork as obtained under TSUS Item 220.20, the new provision does not extend to composition cork. Under the HTS, composition cork is considered agglomerated cork classifiable under the provisions of heading 4504. Heading 4504, however, failed to incorporate a provision similar to TSUS Item 220.20 for simple cut or molded shapes of agglomerated cork at 5.5 cents per kilogram. Goods previously classifiable under Item 220.20 were therefore relegated to the residual provisions for other agglomerated cork in subheading 4504.90. The rate of duty thus increased from 2.5 cents per pound—5.5 cents per kilogram—to 18 percent ad valorem.

#### IMPACT OF THIS LEGISLATION ON DOMESTIC INDUSTRY

All cork is currently imported into the United States, since it is obtained from the cork oak which is grown in Southern Europe and Northern Africa. There are absolutely no U.S. producers of agglomerated cork, primarily because the cost of importing ground cork into the United States and forming it into agglomerated cork is prohibitive when compared with the cost of importing agglomerated cork.

No U.S. manufacturer would be adversely affected by restoring the previously existing duty rates that applied to vulcanized cork/rubber and composition cork. In fact, restoration of these rates would benefit U.S. industry and U.S. consumers by reducing the costs of imported agglomerated cork and the U.S. products made from it. Moreover, without the amendments contemplated by the bill, U.S. cork manufacturers may be forced to transfer certain operations abroad or to close their U.S. manufacturing facilities altogether. The Customs Service acknowledges that cork importers could gain more favorable tariff treatment by importing cork/rubber sheets and slabs and selected products of composition cork. In order to gain such favorable tariff treatment, however, importers would have to transfer certain of their operations abroad to further manufacture the cork/rubber and composition cork

before it enters the United States. At a minimum, this will result in the loss of many U.S. jobs. Since even the transfer represents only a partial solution, however, U.S. manufacturers of cork products would still be required to absorb part of the cost of increased tariffs. Since it is already clear that such manufacturers would utilize synthetics and other substitutes instead, the U.S. cork industry would be radically downsized, forcing the closure of entire plants.

Finally, the technical correction in the HTS proposed by this legislation has no revenue impact. The bill I am introducing today simply returns the tariff duty for agglomerated cork to the original tariff duty found under the TSUS which never should have changed with the enactment of the HTS. Hence, there is no need to offset this change with a duty producing provision.

Mr. President, I urge my colleagues to join with me by cosponsoring this legislation which corrects an unintended change in the tariff treatment of agglomerated cork.

I ask unanimous consent that the text of the legislation appear in the RECORD following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 838

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. AGGLOMERATED CORK PRODUCTS.

(a) IN GENERAL.—The article description for subheading 4504.10.10 of the Harmonized Tariff Schedule of the United States is amended to read as follows:

"Vulcanized blocks, plates, cylinders, sheets, slabs and other shapes wholly of ground or pulverized cork".

(b) CUT OR MOLDED AGGLOMERATED CORK.—Chapter 45 of the harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading with the article description having the same degree of indentation as the article description in subheading 4504.90.20:

4504.90.10	Agglomerated cork, not further advanced than cut or molded into blocks, plates, cylinders, sheets, slabs, rods, sticks, strips and other shapes.	5.5¢/kg	Free (A, CA, E, IL).	22¢/kg.
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#### SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by section 1 apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon a request filed with the appropriate customs officer before the date which is 90 days after the date of the enactment of this Act, an entry of an article described in heading 4504 of the Harmonized Tariff Schedule of the United States (as amended by section 1) that was made—

- (1) after December 31, 1988, and
- (2) before the 15th day after the date of the enactment of this Act, and with respect to which there would have been a lesser duty if the amendments made by section 1 applied to such entry, shall be liquidated or reliquidated as though such amendments applied to such entry. •

By Mr. HOLLINGS (for himself, Mr. EXON, and Mr. LAUTENBERG) (by request):

S. 839. A bill to establish a program to facilitate development of high-speed rail transportation in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

#### HIGH-SPEED RAIL DEVELOPMENT ACT OF 1993

Mr. HOLLINGS. Mr. President, today, I am pleased to introduce by request the High-Speed Rail Development Act of 1993. This legislation outlines President Clinton's vision for high-speed rail in America, and represents a significant first step toward widespread implementation of this exciting and important technology.

As chairman of the Commerce Committee, I long have recognized the potential of and national interest in high-speed ground transportation to improve our transportation network, boost our national competitiveness, create jobs, relieve congestion in crowded metropolitan corridors, mitigate the environmental impact of additional needed transportation capacity, and save energy. Foreign nations have made a major investment in high-speed rail networks which carry passengers swiftly and safely from place to place, but except for funding to improve Amtrak service in the Northeast corridor, the United States has lagged far behind in this area.

Since 1989, when the Commerce Committee first investigated the possibilities for high-speed ground transportation systems, I have pushed for an enlightened national transportation policy which focuses on the importance of passenger rail transportation. In both the 101st and 102d Congresses, I introduced bills addressing the need for improved surface transportation alternatives, and, in 1991, the Senate passed one of these bills, S. 811, the High-Speed Ground Transportation Act of 1991, as reported by the Commerce Committee. At my insistence, key components of this balanced bill were incorporated into the Intermodal Surface Transportation Efficiency Act of 1991.

Clearly, implementation of high-speed rail in the United States will cost money, given the capital-intensive nature of such projects. Recognizing the Nation's current budgetary constraints, the President has set forth a reasonable first step which leverages other available Federal programs, as well as State, local, and private-sector investment in high-speed rail. I note, however, that we must target carefully

our investment in this area, because, if we disperse the funding too widely, we will never see real improvement in passenger rail service in any one corridor.

I further point out that we will need to continue to address the future potential role of high-speed magnetic levitation transportation. Maglev represents an important technology which may change the way we travel in the next century, and we already have made significant strides in assessing the possible benefits of this next-generation transportation mode. In this regard, I look forward to receiving from the administration the complete report of the national maglev initiative as mandated by the Congress.

I expect that the Commerce Committee will review carefully the administration's legislation which I am introducing today, and I look forward to working with my colleagues Senator EXON and Senator LAUTENBERG, and with Secretary Peña and the administration and others on this issue.

I ask unanimous consent that the full text of the bill I am introducing today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 839

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "High-Speed Rail Development Act of 1993".*

#### SEC. 2. FINDINGS.

The Congress finds that—

(1) high-speed rail passenger transportation (high-speed rail) may offer a safe and efficient alternative to aviation and motor vehicle travel for intercity transportation in certain corridors linking major metropolitan areas in the United States;

(2) high-speed rail may have environmental advantages over certain other forms of intercity transportation;

(3) Amtrak's Metroliner service between Washington, District of Columbia, and New York, New York, the United States' premier high-speed rail service, has shown that Americans will use high-speed rail when that transportation option is available;

(4) high-speed rail may help relieve congestion experienced in densely travelled corridors;

(5) high-speed rail should be developed in those intercity corridors where such service is appropriate;

(6) new high-speed rail service should not receive Federal subsidies for operating and maintenance expenses;

(7) the States and localities should take the prime responsibility for the implementation of high-speed rail service;

(8) the private sector should participate in funding the development of meritorious high-speed rail system;

(9) in some intercity corridors, Federal financial capital assistance is required to supplement the financial commitments of State and local governments and the private sector to ensure the development of the infrastructure required by meritorious high-speed rail systems;

(10) new technologies can facilitate the development of high-speed rail in the United States;



(11) the development of these technologies can expand the competitiveness of U.S. industry in the development of high-speed rail systems in this country and overseas; and

(12) Federal assistance is required for research, development and demonstration of these technologies.

### SEC. 3. NATIONAL HIGH-SPEED RAIL ASSISTANCE PROGRAM.

The Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.) is amended by adding at the end thereof the following:

#### "TITLE X—HIGH-SPEED RAIL ASSISTANCE

##### "SEC. 1001. DESIGNATION OF CORRIDORS.

"(a) The Secretary is authorized to designate as a high-speed rail corridor (HSR Corridor) any corridor that serves two or more major metropolitan areas in the United States where the Secretary determines that high-speed rail offers the potential for cost effective intercity public transportation as part of the Nation's transportation system.

"(b) Designations made by the Secretary under subsection (a) of this section shall be in response to a petition from the governor(s) of a State or States that substantially encompass the proposed corridor.

"(c) Any petition submitted pursuant to subsection (b) of this section shall include such information as the Secretary determines to be necessary to evaluate the merits of that corridor, including designation of a public agency to be responsible for coordination of activities under this title and legally able to enter into financial assistance agreements under sections 1002(c) and 1003(a) of this title.

"(d) A decision by the Secretary to designate a HSR Corridor under subsection (a) of this section shall be based on such criteria as the Secretary deems appropriate, including—

"(1) the integration of the HSR Corridor into Statewide and metropolitan area transportation planning undertaken pursuant to 23 U.S.C. §§ 134 and 135 and;

"(2) the interconnection of the proposed high-speed rail service with other parts of the Nation's transportation system, including the relationship of the proposed service to multimodal terminals;

"(3) the support and participation in the proposed development of the HSR Corridor of the cities which it would serve;

"(4) the effect of the proposed high-speed rail service on the congestion of other modes of transportation;

"(5) the financial commitments of the State and local governments and the private sector to development of high-speed rail service;

"(6) the effect of the proposed service on State and local governments' efforts to attain compliance with the Clean Air Act;

"(7) the anticipated level of ridership;

"(8) the estimated capital cost of the proposed system;

"(9) the ability of the projected revenues of the proposed service, including any financial commitments of the State or local governments, to cover capital costs and operating and maintenance expenses;

"(10) the support of any owners and operators of existing rail facilities proposed for improvement in developing high-speed rail service;

"(11) if a State proposes to develop the HSR Corridor through the award of a franchise to construct and operate a proposed high-speed rail system, the award and active implementation of such a franchise and the involvement and support of the holders of that franchise; and

"(12) the effect of the proposed high-speed rail service on other transportation services in operation or under development.

"(e) The Secretary shall, upon application of the governor(s) of a State or States, designate as a HSR Corridor any intercity rail corridor designated as a high-speed rail corridor by the Secretary under section 1010 of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 104(d)(2)).

"(f) The Secretary shall designate as a HSR Corridor any intercity rail corridor, other than the mainline of the corridor improved under Title VII of this Act, that includes a significant segment where regularly scheduled rail passenger service operates at speeds in excess of 100 miles per hour on the date of enactment of the High-Speed Rail Development Act of 1993, upon application of the governor(s) of the State or States in which such corridor is located.

##### "SEC. 1002. CORRIDOR MASTER PLANS.

"(a) A public agency designated under subsection 1001(c) of this title and seeking financial assistance for development of a HSR Corridor designated by the Secretary and eligible for funding under section 1003 of this title shall prepare and submit to the Secretary a corridor master plan for that corridor.

"(b) The corridor master plan prepared under subsection (a) of this section shall identify a coordinated program of improvements to permit the establishment of high-speed rail service in the corridor, including those improvements necessary to achieve high-speed service and not eligible for financial assistance under section 1003(c) of this title. Such plan shall include—

"(1) identification of how the proposed high-speed rail service relates to the Statewide and metropolitan area transportation plans for the affected State(s) and metropolitan areas;

"(2) identification of the specific elements that comprise the program to achieve the high-speed service, including their estimated costs, schedules, timing and relationship with other projects and how these elements fit into a plan to achieve high-speed service;

"(3) identification of the transportation benefits that would be derived from each element including reductions in trip times and increases in average speeds and top speeds;

"(4) identification of specific improvements that comprise each element, the eligibility of such improvements for financial assistance under section 1003(c) of this title, and a proposed allocation of financial responsibility for specific improvements, including proposed sources of funding;

"(5) identification of anticipated levels of ridership and projections of revenues and expenses associated with the proposed high-speed rail service when completed and for each major increment undertaken to achieve high-speed service including estimates of any operating subsidies that would be required and the sources of such subsidies;

"(6) an operating plan for the project, as designed, identifying the proposed schedule and frequency of the proposed high-speed service and showing the coordination of the service with any other rail operations on the corridor; and

"(7) such other information as may be required by the Secretary.

"(c) The Secretary is authorized to enter into an agreement with the public agency preparing a corridor master plan to fund up to 80 percent of the eligible costs associated with preparation of such plan; *Provided however*, that at least 20 percent of such eligible costs shall be funded with State or local

funds. Eligible costs associated with preparation of a corridor master plan shall include design, environmental and route selection analysis, preliminary engineering necessary to support such analyses, and any other analyses that the Secretary determines are required to prepare such a plan.

"(e) An action by the Secretary under this section shall not constitute a commitment to fund any element or improvement contained in such corridor master plan.

##### "SEC. 1003. FINANCIAL ASSISTANCE FOR HIGH-SPEED RAIL CORRIDORS.

"(a) The Secretary may enter into a financial assistance agreement with a public agency designated under subsection 1001(c) of this title to fund eligible improvements to the infrastructure of a HSR Corridor designated under section 1001(a) of this title for the purpose of facilitating the development of high-speed rail service; *Provided however*, that no financial assistance shall be provided under this title for improvements to the main line of a corridor improved under Title VII of this Act, or for improvements to a corridor in a State where the State by law, regulation, or order prohibits the use of State and/or local funds for the construction and/or operation of such improvements.

"(b) The Secretary shall establish appropriate terms, conditions, and procedures for the provision of financial assistance under this section.

"(c) Improvements eligible for financial assistance under subsection (a) of this section shall be those improvements to the infrastructure of an HSR Corridor, other than the acquisition of rolling stock, that are necessary to facilitate the development of high-speed service and that are not eligible for funding under other Federal transportation programs, and which include—

"(1) final engineering and design;

"(2) site specific environmental analyses;

"(3) acquisition of right-of-way and related property;

"(4) acquisition, construction, rehabilitation or replacement of roadbed, structures, track, guideway, signal and communications systems, electric traction systems, propulsion or guidance systems incorporated as part of a guideway, maintenance-of-way facilities, maintenance-of-equipment facilities, private highway-rail grade crossings (including payments to property owners to close crossings where appropriate) not eligible for funding under 23 U.S.C. 130 and 23 U.S.C. 133(b)(4), those portions of terminals and stations directly related to the operation of the high-speed rail intercity service, and environmental mitigation associated with development of high-speed rail service.

"(d) An agreement may not be entered into under subsection (a) of this section unless it provides for the completion of at least an element of a program to achieve high-speed rail service, including portions thereof not eligible for financial assistance under subsection (c) of this section.

"(e) In entering into any agreement to provide financial assistance under subsection (a) of this section, the Secretary shall ensure that such agreement includes the maximum practicable private funding for any element of a program to achieve high-speed rail service that is the subject of such agreement.

"(f) In entering into any agreement to provide financial assistance under subsection (a) of this section, the Secretary may provide financial assistance for up to 80 percent of the cost of specific eligible improvements to be funded under the agreement; *Provided however*, that no less than 20 percent of the cost of such improvements shall be provided by

State and/or local funds and that the overall financial assistance provided by the Secretary under the agreement shall not exceed 50 percent of the public share of the element funding. The public share of an element's funding consists of its total cost minus the maximum practicable private funding for such element.

"(g) In determining whether to enter into a financial assistance agreement to fund an element of a program to improve a HSR Corridor, the Secretary shall consider how the element to be funded under such agreement meets the criteria identified in subsection 1001(d) of this title, the information contained in the corridor master plan, the transportation benefits to be derived from the element, the level of financial commitments by the State and/or local governments and/or private entities to fund the subject element, commitments by the State and/or local governments and/or private entities to ensure completion of the element, commitments by State and/or local governments to fund any increases in the operating deficit of the National Railroad Passenger Corporation that result from operation over the HSR Corridor after the element is completed, and such other information that the Secretary deems appropriate.

"(h) The Secretary may provide financial assistance under subsection (a) of this section for a element not contained on an approved corridor master plan prepared under section 1002 of this title only if a financial assistance agreement for such improvement is entered into prior to 30 months from the date of enactment of the High-Speed Rail Development Act of 1993.

#### "SEC. 1004. HIGH-SPEED RAIL TECHNOLOGY DEVELOPMENT.

"(a) The Secretary is authorized to undertake research and development of steel-wheel-on-rail technologies for commercial application in high-speed rail service in the United States.

"(b) In carrying out activities authorized in subsection (a) of this section, the Secretary may enter into financial assistance agreements with any U.S. private business, educational institution, State or local government, public authority or agency of the Federal Government.

#### "SEC. 1005. DEFINITIONS.

"(a) The term high-speed rail means rail passenger transportation capable of operating at sustained speeds of 125 miles per hour or greater.

"(b) the term element as used in sections 1002 and 1003 of this title means a discrete portion of a program to develop a HSR Corridor that has a demonstrable intercity ground transportation benefit independent of other improvements to such corridor.

"(c) The term State or local funds as used in this title means funds generally available to States or local governments to fund transportation projects excluding any payments or contributions to State and/or local governments or authorities from holders of a franchise or other private parties with an interest in the development or operation of the high-speed rail system.

"(d) The term financial assistance agreement means various forms of arrangements to provide financial assistance, including grants, contracts or cooperative agreements."

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated to the Secretary of Transportation for the National High-Speed Rail Assistance Program authorized under sections 1002 and 1003 of Title X of the Railroad Revitalization and

Regulatory Reform Act of 1976, such sums as may be necessary for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

(b) There are authorized to be appropriated to the Secretary for high-speed rail technology development authorized under section 1004 of Title X of the Railroad Revitalization and Regulatory Reform Act of 1976, such sums as may be necessary for each of fiscal years 1994, 1995, 1996, 1997, and 1998.

(c) Section 601 of the Rail Passenger Service Act (45 U.S.C. 601) is amended by deleting paragraph (a)(1) and inserting in lieu thereof, the following—"There are authorized to be appropriated to the Secretary for the benefit of the Corporation for making capital expenditures under title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 851 et seq.), such sums as may be necessary for each of fiscal years 1994, 1995, 1996, 1997, and 1998."

(d) Of the amounts authorized to be appropriated under subsections (a) and (b) of this section, the Secretary of Transportation may reserve the funds necessary for payment of the administrative expenses incurred by the Secretary in carrying out the Secretary's responsibilities under this title.

(e) Of the amounts authorized to be appropriated under subsection (a) of this section, the Secretary of Transportation may reserve up to 1 percent for the purpose of providing financial assistance to the public agencies designated under section 1001(c) and responsible for coordination of activities under this title on those corridors designated by the Secretary under section 1001(a). This financial assistance may provide for up to 80 percent of costs deemed eligible by the Secretary that are incurred by the public agencies in carrying out their responsibilities under such sections 1002 and 1003 of this title, such sums to be apportioned among the eligible public agencies through a formula established by the Secretary.

(f) Financial assistance provided under subsection (e) of this section shall be provided only pursuant to an agreement between the Secretary and a public agency whose responsibility encompasses in whole or in part a HSR Corridor designated as such by the Secretary and eligible for financial assistance under sections 1002 and 1003 of this title.

(g) Funds made available under this section shall remain available until expended.

Mr. EXON. Mr. President, I am pleased to introduce, with Senators HOLLINGS and LAUTENBURG, the President's high-speed rail initiative. Chairman DINGELL and SWIFT will introduce companion legislation in the House of Representatives.

I congratulate President Clinton and Secretary Peña for their shared vision of high-speed passenger rail. The President has appropriately marked his first 100 days in office with this initiative, which merges national investment, technology, environmental, employment, and transportation needs.

As chairman of the Senate Surface Transportation Subcommittee and as a long-time advocate of high-speed ground transportation, this train has been a long time coming.

For the last 12 years on the Commerce and Budget Committees, I fought a sometimes uphill battle just to maintain Federal investment in Amtrak passenger rail service. The introduction of President Clinton's bill

starts an exciting new passenger rail transportation ERA.

In the fall of 1989, I chaired one of the first hearings on high-speed ground transportation and introduced legislation in the 101st and 102d Congresses. This investigation culminated in the Senate passage of S. 811, the High-Speed Ground Transportation Act of 1991.

This ground-breaking legislation incorporated a balanced approach to high-speed ground transportation development and encouraged public and private partnerships. Key provisions of S. 811 were finally incorporated into the Intermodal Surface Transportation Efficiency Act—ISTEA—of 1991.

Our subcommittee further built on that success and in the second session of the 102d Congress held new hearings, which previewed the future of high-speed rail and magnetic levitation technologies.

In addition, we incorporated a high-speed mission for Amtrak and completion of the Northeast Corridor Improvement Program between New York and Boston in the 1992 Amtrak Reauthorization Act.

In the coming weeks, I also expect that the national "Maglev" initiative report mandated by the Congress will be released.

Of course, I am hopeful that the high-speed rail will someday serve locations in Nebraska. While that could be a number of years into the future, high-speed rail holds many other immediate benefits to the citizens of my home State. By providing a rail option in the Northeast United States, limited airport capacity can be made available for long-haul air service from States like Nebraska. In a sense, high-speed rail brings Nebraska closer to its goal of securing more nonstop air service.

Another key benefit for the State of Nebraska is that revitalized employment in any sector of the rail industry helps secure the financial future of thousands of Nebraska railroad retirees. As you know, Mr. President, the railroad retirement system is financed by current employment. The rapidly declining ratio of railroad workers to railroad retirees concerns Nebraska retirees for some time. High-speed rail holds the promise of not only new rail employment but also a more secure retirement for Nebraska's railroad retirees.

President Clinton's initiative stands in stark contrast to the attitude of the past two administrations to passenger rail. A bold jump into the future has replaced the foot dragging of the last administration.

I recently had opportunity to ride with Secretary Peña on X-2000 tilt train. We both had an opportunity to experience the excitement of travel on one of the world's most advanced and comfortable modes of transportation. The tragedy is that the manufacturing



and technologies which produced the X-2000 are now foreign based. The Clinton administration's vision includes using passenger rail service as a way to bring new technologies and good jobs back to the United States.

I welcome the President's initiative and can assure him that it will receive a full and fair hearing by the Senate Surface Transportation Subcommittee. The President has delivered a very solid proposal from which to work. Of course, I will have some recommendations and additions to the President's plan, which I will save for another time because this day rightly belongs to President Clinton and his bold vision of a new era for rail transportation.

Mr. LAUTENBERG. Mr. President, I rise today, along with Senators HOLLINGS and EXON, to introduce President Clinton's High-Speed Rail Development Act of 1993.

This bill heralds a new commitment by a new administration to the future of high-speed rail in America. It is a critical first step toward a final long-term investment program that recognizes the environmental, energy, transportation, and, most importantly, job-creation benefits of high-speed rail.

Mr. President, there are a host of compelling reasons to take this bold step with regard to high-speed rail. Infrastructure serves as a base for economic growth, with every \$1 invested resulting in \$2 of growth in the gross domestic product. Our roadways and airways are overloaded, congested, and limiting our Nation's potential for economic expansion and successful interstate commerce.

Therefore, we must find alternatives that harness current technology and existing transportation pathways and provide the potential for passengers to travel safely and efficiently. So it follows that high-speed rail service is one critical cornerstone in a balanced transportation agenda for the future.

This bill represents a commitment by the President to cement in law a principle that Europe and Japan have long held as fact: Rail transportation requires a level playing field with other modes. If we recognize that pollution and congestion demand our expanded investment in high-speed rail, a truly level playing field requires us to consider granting the same Federal benefits to highways and aviation when they were expanding. So, this legislation signals a new era for targeted investment in a critical transportation mode that will provide a foundation for our economic future.

This legislation also seeks to leverage private, State, and Federal dollars to fund specific elements of each high-speed corridor plan. This kind of partnership bodes well for the ultimate success of the corridors, for States will begin with an up-front commitment to a long-term high-speed rail project.

I am pleased that the President's bill recognizes the critical need to reauthorize the Northeast Corridor Improvement Program through 1998. As chairman of the Appropriations Subcommittee on Transportation, I have fought long and hard for this program. By calling for its reauthorization, the President has signaled his commitment to my long-held goal of high-speed service from Boston to Washington with trains like the new X-2000 tilt train.

Nowhere better have we seen the benefits of high-speed rail transportation in the United States than in the Northeast corridor. Past investments in the corridor have resulted in tangible benefits—benefits for 11 million passengers riding each year and 65 million commuters each day. I believe the success of the Northeast corridor is testimony to the ability of a long-term investment strategy to make a real difference for millions of workers and riders across America over the next decade.

Mr. President, I look forward to working with Secretary Pena and my colleagues in the Senate to develop a comprehensive high-speed rail program that ensures further high-speed improvement along the Northeast corridor and also brings the benefits we have enjoyed in the Northeast corridor to the rest of the Nation.

By Mr. SIMON (for himself, Mr. FEINGOLD, Mr. BAUCUS, Mr. DORGAN, and Mr. INOUE):

S.J. Res. 86. A joint resolution commemorating the 50th anniversary of the founding of the Food and Agriculture Organization of the United Nations and reaffirming the U.S. commitment to end hunger and malnutrition; to the Committee on Agriculture, Nutrition, and Forestry.

THE 50TH ANNIVERSARY OF THE U.N. FOOD AND AGRICULTURE ORGANIZATION

Mr. SIMON. Mr. President, I submit the following joint resolution and ask that the full text be printed in the CONGRESSIONAL RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 86

Whereas, with each passing hour, more than 1,000 young children die among the poor of Asia, Africa and Latin America, lost to their families because their parents could not feed them;

Whereas, for lack of food, millions of the world's poor are left stunted, mentally retarded or blind, and countless others are continually weakened by anemia, condemned to do little more than survive;

Whereas world population will climb past 6,000,000,000 by the year 2000, placing ever more intense demands on the agricultural production and environment of the United States;

Whereas this growth in global population will require innovative scientific, economic, and political measures to address hunger among the poor, especially to promote more

efficient and sustainable agricultural production and a broader distribution of food;

Whereas, if the United States is to build world agriculture to meet these challenges, the United States must strengthen and not lessen international cooperation in agriculture both bilaterally and through the United Nations;

Whereas 50 years ago, in the midst of World War II, the United States and its allies recognized the need for global cooperation to end the scourge of hunger and took the first steps to found the Food and Agriculture Organization of the United Nations at the first United Nations Conference on Food and Agriculture held at the Homestead in Hot Springs, Virginia, May 18 through June 3, 1943;

Whereas, through advances in agricultural technology, the nations of the world, including the developing countries, now have more than enough food to feed every man, woman and child so that suffering from hunger need not continue;

Whereas, although more than twice the number of people are being adequately fed today than at the end of the Second World War, nearly 800,000,000 people remain chronically hungry, and the world still has not met the goal of "freedom from want of food" that President Franklin Roosevelt set in convening the Hot Springs Convention;

Whereas, at the International Conference on Nutrition in December 1992, many of the goals of the Hot Springs Conference were reaffirmed and the United States and 158 other countries committed themselves to ending hunger and malnutrition, both domestically and through a Global Plan of Action for Nutrition; and

Whereas the United States has agreed to adopt its own National Plan of Action for Nutrition by the end of 1994: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States is authorized and requested—

(1) to issue a proclamation commemorating the fiftieth anniversary of the founding of the Food and Agriculture Organization of the United Nations at Hot Springs, Virginia; and

(2) to reaffirm the commitment of the American people to end hunger and malnutrition, both at home and abroad, and to foster the growth of agriculture in every quarter of the globe so that one day mankind may be truly free from want of food.

#### ADDITIONAL COSPONSORS

S. 11

At the request of Mr. BIDEN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 11, a bill to combat violence and crimes against women on the streets and in homes.

S. 157

At the request of Mr. DASCHLE, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 157, a bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles.

S. 158

At the request of Mr. DASCHLE, the name of the Senator from Idaho [Mr.

CRAIG] was added as a cosponsor of S. 158, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for travel expenses of certain loggers.

S. 183

At the request of Mr. REID, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from New Mexico [Mr. DOMENICI], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 183, a bill to authorize the President to award a gold medal on behalf of the Congress to Richard "Red" Skelton, and to provide for the production of bronze duplicates of such medal for sale to the public.

S. 228

At the request of Mr. BRYAN, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 228, a bill to establish a grant program under the National Highway Traffic Safety Administration for the purpose of promoting the use of bicycle helmets by individuals under the age of 16.

S. 235

At the request of Mr. REID, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 235, a bill to limit State taxation of certain pension income, and for other purposes.

S. 442

At the request of Mr. BINGAMAN, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 442, a bill to provide for the maintenance of dams located on Indian lands by the Bureau of Indian Affairs or through contracts with Indian tribes.

S. 449

At the request of Mr. SMITH, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 449, a bill to amend the Internal Revenue Code of 1986 to allow individuals to designate that up to 10 percent of their income tax liability be used to reduce the national debt, and to require spending reductions equal to the amounts so designated.

S. 457

At the request of Mr. CRAIG, his name, and the name of the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 457, a bill to prohibit the payment of Federal benefits to illegal aliens.

S. 458

At the request of Mr. SMITH, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 458, a bill to restore the second amendment rights of all Americans.

S. 477

At the request of Mr. FEINGOLD, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 477, a bill to eliminate the price support program for wool and mohair, and for other purposes.

S. 487

At the request of Mr. DANFORTH, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 487, a bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the low-income housing tax credit.

S. 570

At the request of Mr. GRASSLEY, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 570, a bill to recognize the unique status of local exchange carriers in providing the public switched network infrastructure and to ensure the broad availability of advanced public switched network infrastructure.

S. 600

At the request of Mr. BOREN, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 600, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit.

S. 652

At the request of Mr. KRUEGER, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 652, a bill to eliminate the price support and production adjustment programs for tobacco, and for other purposes.

S. 687

At the request of Mr. DANFORTH, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from Mississippi [Mr. LOTT], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 687, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania [Mr. WOFFORD] was withdrawn as a cosponsor of S. 687, *supra*.

S. 715

At the request of Mr. COHEN, his name was withdrawn as a cosponsor of S. 715, a bill to establish parents as teachers programs.

S. 732

At the request of Mr. KENNEDY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 732, a bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

S. 784

At the request of Mr. HATCH, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Washington [Mr. GORTON], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 784, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 793

At the request of Mr. DURENBERGER, the name of the Senator from Vermont

[Mr. LEAHY] was added as a cosponsor of S. 793, a bill to amend the Federal Food, Drug, and Cosmetic Act to require that standards of identity for milk include certain minimum standards regarding milk solids, and for other purposes.

## SENATE JOINT RESOLUTION 9

At the request of Mr. THURMOND, the names of the Senator from Idaho [Mr. CRAIG], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

## SENATE JOINT RESOLUTION 14

At the request of Mr. THURMOND, the names of the Senator from Hawaii [Mr. INOUE], the Senator from Hawaii [Mr. AKAKA], the Senator from Texas [Mr. KRUEGER], the Senator from Michigan [Mr. RIEGLE], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of Senate Joint Resolution 14, a joint resolution to designate the month of May 1993, as "National Foster Care Month."

## SENATE JOINT RESOLUTION 55

At the request of Mr. HATCH, the names of the Senator from Kansas [Mr. DOLE], the Senator from California [Mrs. FEINSTEIN], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Illinois [Mr. SIMON], and the Senator from Pennsylvania [Mr. WOFFORD] were added as cosponsors of Senate Joint Resolution 55, a joint resolution to designate the periods commencing on November 28, 1993, and ending on December 4, 1993, and commencing on November 27, 1994, and ending on December 3, 1994, as "National Home Care Week."

## SENATE JOINT RESOLUTION 58

At the request of Mr. RIEGLE, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Ohio [Mr. METZENBAUM], the Senator from Maryland [Ms. MIKULSKI], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Indiana [Mr. COATS] were added as cosponsors of Senate Joint Resolution 58, a joint resolution to designate the weeks of May 2, 1993, through May 8, 1993, and May 1, 1994, through May 7, 1994, as "National Correctional Officers Week."

## SENATE JOINT RESOLUTION 60

At the request of Mr. BYRD, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from California [Mrs. FEINSTEIN], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of Senate Joint Resolution 60, a joint resolution to designate the months of May 1993 and May 1994 as "National Trauma Awareness Month."



## SENATE JOINT RESOLUTION 62

At the request of Mr. BIDEN, the name of the Senator from Rhode Island [Mr. CHAFFEE] was added as a cosponsor of Senate Joint Resolution 62, a joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Right Week."

## SENATE JOINT RESOLUTION 70

At the request of Mr. SIMON, the names of the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 70, a joint resolution expressing the sense of the Congress with respect to the renewed civil war in Angola.

## SENATE JOINT RESOLUTION 72

At the request of Mr. RIEGLE, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Joint Resolution 72, a joint resolution to designate the last week of September 1993, and the last week of September of 1994, as "National Senior Softball Week."

## SENATE JOINT RESOLUTION 73

At the request of Mr. RIEGLE, the names of the Senator from Hawaii [Mr. INOUE], the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Iowa [Mr. GRASSLEY], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 73, a joint resolution to designate July 5, 1993, through July 12, 1993, as "National Awareness Week for Life-Saving Techniques."

## SENATE JOINT RESOLUTION 79

At the request of Mr. LAUTENBERG, the names of the Senator from Virginia [Mr. WARNER], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Joint Resolution 79, a joint resolution to designate June 19, 1993, as "National Baseball Day."

## SENATE RESOLUTION 79

At the request of Mr. FEINGOLD, the names of the Senator from Wyoming [Mr. WALLOP], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of Senate Resolution 79, a resolution expressing the Sense of the Senate concerning the United Nation's arms embargo against Bosnia-Herzegovina, a nation's right to self-defense, and peace negotiations.

## SENATE RESOLUTION 101—RELATIVE TO AUTHORIZING PRINTING ADDITIONAL COPIES OF A SENATE HEARING

Mr. BIDEN (for himself and Mr. HATCH) submitted the following resolution; which was referred to the Committee on Rules and Administration:

## S. RES. 101

*Resolved*, That in addition to the usual number, there shall be printed 250 copies of volumes 1, 2, 3 and 4 of Senate hearing entitled, "Nomination of Judge Clarence Thomas to be Associate Justice of the Supreme Court

of the United States," which may be printed at a cost not to exceed \$1,200 per volume, for the use of the Committee on the Judiciary.

## AMENDMENTS SUBMITTED

## DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

MCCAIN (AND OTHERS)  
AMENDMENT NO. 327

Mr. MCCAIN (for himself, Mr. CAMPBELL and Mr. WELLSTONE) proposed an amendment to the bill (S. 171) to establish the Department of the Environment, provide for a Bureau of Environmental Statistics and a Presidential Commission on Improving Environmental Protection, and for other purposes, as follows:

Section 104(b) of the Committee Amendment in the Nature of a Substitute is amended by adding at the end thereof the following new paragraph:

(3) One of the Assistant Secretaries referred to under paragraph (1) shall be an Assistant Secretary for Indian Lands and shall be responsible for policies relating to the environment of Indian lands and affecting Native Americans.

## HATFIELD AMENDMENT NO. 328

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill (S. 171), *supra*, as follows:

On page 44, line 9, strike "and".

On page 44, line 13, strike the period and insert "; and".

On page 44, between lines 13 and 14, insert the following new subparagraph:

(T) regional operations and State and local capacity.

On page 74, line 2, strike "and".

On page 74, line 8, strike the period and insert "; and".

On page 74, between lines 8 and 9, insert the following new paragraph:

(6) enhance the capacity of State and local governments to manage, finance, and implement environmental laws (including regulations).

At the appropriate place, insert the following:

"It is the sense of the Senate that building the capacity of state and local governments to more efficiently and effectively implement and manage environmental regulations should be a primary mission of the Department of the Environment."

NICKLES (AND OTHERS)  
AMENDMENT NO. 329

Mr. NICKLES (for himself, Mr. REID, Mr. MURKOWSKI, Mr. MCCAIN, Mr. BOND, Mr. MCCONNELL, Mr. HELMS, Mr. GORTON, Mr. COATS, Mr. FAIRCLOTH, Mr. GREGG, Mr. WALLOP, Mr. BURNS, Mr. SHELBY, Mr. COCHRAN, Mr. SIMPSON, Mr. GRAMM, Mr. SMITH, Mr. KEMPTHORNE, Mr. CRAIG, Mr. D'AMATO, Mr. HATCH, and Mr. COHEN) proposed an amendment to the bill (S. 171), *supra*, as follows:

At the end of the bill add the following:

## SEC. . ECONOMIC AND EMPLOYMENT IMPACT ACT.

(a) SHORT TITLE.—This section may be cited as the "Economic and Employment Impact Act".

(b) FINDINGS AND PURPOSES.—

(1) FINDINGS.—The Congress finds that—

(A) Federal regulation is projected to cost as much as \$688,000,000,000 by the year 2000;

(B) the 1992 United States merchandise trade deficit was \$84,300,000,000;

(C) excessive Federal regulation and mandates increase the cost of doing business and thus hinder economic growth and employment opportunities; and

(D) State and local governments are forced to absorb the cost of unfunded Federal mandates.

(2) PURPOSE.—The purpose of this section is to—

(A) ensure that the American people are fully apprised of the impact of Federal legislative and regulatory activity on economic growth and employment;

(B) require both the Congress and the executive branch to acknowledge and to take responsibility for the fiscal and economic effects of legislative and regulatory actions and activities;

(C) to provide a means to ensure congressional or executive branch action is focused on enhancing economic growth and providing increasing job opportunities for Americans; and

(D) to protect against congressional or executive branch action which hinders economic growth or eliminates jobs for the American people.

## (c) ECONOMIC AND EMPLOYMENT IMPACT STATEMENTS.—

(1) PREPARATION.—The Comptroller General of the United States shall prepare an economic and employment impact statement, as described in paragraph (2), to accompany each bill, resolution, or conference report reported by any committee of the House of Representatives or the Senate or considered on the floor of either House.

(2) CONTENTS.—Except as provided in paragraph (3), the economic and employment impact statement required by paragraph (1) shall—

(A) state the extent to which enactment of the bill, resolution, or conference report would result in increased costs to the private sector, individuals, or State and local governments; and

(B) include, at a minimum, a detailed assessment of the annual impact both positive and negative of the bill, resolution, or conference report (projected annually over a 5-year period from its effective date, and, to the extent feasible, expressed in each case in monetary terms) on—

(i) costs and benefits to United States consumers;

(ii) costs and benefits to United States business;

(iii) national employment, direct and indirect;

(iv) the ability of United States industries to compete internationally;

(v) affected State and local governments, fiscal and otherwise (as reported by the Congressional Budget Office);

(vi) outlays and revenues by the Federal Government as compared to outlays and revenues for the same activity in the current fiscal year (as reported by the Congressional Budget Office); and

(vii) impact on Gross Domestic Product.

(3) EXCEPTION.—The economic and employment impact statement required by paragraph (1) may consist of a brief summary assessment in lieu of the detailed assessment

set forth in paragraph (2) if preliminary analysis indicates that the aggregate effect of the bill, resolution, or conference report as measured by the criteria set forth in paragraph (2)(B) is less than \$100,000,000 or 10,000 jobs in national employment.

(4) STATEMENT WITH ALL LEGISLATION.—The economic and employment impact statement required by this subsection shall accompany each bill, resolution, or conference report before such bill, resolution, or conference report may be reported or otherwise considered on the floor of either House.

(d) POINT OF ORDER IN HOUSE OR SENATE.—(1) RULE.—It shall not be in order in either the House of Representatives or the Senate to consider on the floor any bill, resolution, or conference report, whether or not reported by any committee of the House of Representatives or the Senate, unless that bill, resolution, or conference report includes the economic and employment impact statements required by subsection (c).

(2) WAIVER.—A point of order made under this subsection may be waived in the Senate by a three-fifths affirmative vote of Senators, duly chosen and sworn, and in the House of Representatives by a three-fifths affirmative vote of Members, duly chosen and sworn.

(e) EXECUTIVE REGULATIONS.—Each regulation and proposed regulation promulgated by a Federal department or executive agency shall be accompanied by an economic and employment impact statement prepared, in accordance with subsection (c)(2), by the department or agency promulgating the regulation or proposed regulation. The economic and employment impact statement shall be published in the Federal Register together with such regulation or proposed rulemaking.

(f) PROVISION FOR NATIONAL SECURITY EMERGENCY WAIVER.—

(1) CONGRESSIONAL ECONOMIC IMPACT STATEMENTS.—The Congress may waive the requirements of subsection (c) at any time in which a declaration of war is in effect, or in response to a national security emergency at the request of the President.

(2) EXECUTIVE REGULATIONS.—The President may waive the requirements of subsection (e) at any time in which a declaration of war is in effect, or in response to a national security emergency as determined by the President in consultation with Congress.

(g) EFFECTIVE DATE.—This section shall take effect 30 days after the date of enactment of this Act and shall not apply to this Act.

#### GORTON AMENDMENT NO. 330

Mr. GORTON proposed an amendment to the bill (S. 171), *supra*, as follows:

On page 72, beginning with line 25, strike out all through line 7 on page 73 and insert in lieu thereof the following:

(1) 7 members to be appointed by the President;

(2) 2 members to be appointed by the Speaker of the House of Representatives;

(3) 1 member to be appointed by the minority leader of the House of Representatives;

(4) 2 members to be appointed by the Senate majority leader; and

(5) 1 member to be appointed by the Senate minority leader.

(b) CHAIRMAN.—The Chairman of the Commission shall be appointed by the President.

(c) POLITICAL PARTY AFFILIATION.—Notwithstanding any other provision of this sec-

tion, no more than 7 members of the Commission may be from the same political party.

#### NOTICES OF HEARINGS

##### COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Thursday, April 29, 1993, at 9 a.m., in SR-301, Russell Senate Office Building. The committee will receive and consider a proposal by counsel, Claire M. Sylvia, regarding the petitions relating to the election in Oregon.

For further information on this meeting, please contact Carole Blessington of the Rules Committee staff at 202-224-0278.

##### JOINT COMMITTEE ON PRINTING

Mr. FORD. Mr. President, there will be a meeting of the Joint Committee on Printing, in room 301, Russell Senate Office Building on May 11, 1993, at 9:30 a.m., to consider the annual review of the Government Printing Office activities.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for my colleagues and the public a time change in a hearing previously announced by the full Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony on S. 646, the International Fusion Energy Act of 1993.

The hearing will take place on Thursday, May 6, beginning at 10 a.m. instead of 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

For further information, please contact Paul Barnett of the committee staff at 202-224-0612.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public a change to a prior hearing notice printed in the RECORD.

A nomination hearing has been scheduled before the full Committee on Energy and Natural Resources. The hearing will take place Tuesday, May 4, 1993, at 9:30 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Thomas Grumbly, nominee to be Assistant Secretary of Energy for Environmental Restoration and Waste Management, and Susan Tierney, nominee to be Assistant Secretary of Energy for Domestic and International Energy Policy.

In addition to these previously announced witnesses, the committee will receive testimony from John Leshy, the President's nominee to be Solicitor at the Department of the Interior.

For further information, please contact Rebecca Murphy at 202-224-7562.

##### COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing to consider the President's nomination of Erskine B. Bowles, of North Carolina, to be administrator of the Small Business Administration. The hearing will take place on Wednesday, May 5, 1993, at 2 p.m., in room 428A of the Russell Senate Office Building. For further information, please call Patricia Forbes, counsel to the Small Business Committee at 224-5175.

##### SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. AKAKA. Mr. President, I would like to announce for my colleagues and the public that the hearing scheduled before the Subcommittee on Mineral Resources Development and Production to receive testimony on hardrock mining royalty issues and written statements on S. 775, the Hardrock Mining Reform Act of 1993, has been moved to room SH-216 of the Hart Senate Office Building.

The hearing will take place on Tuesday, May 4, 1993, at 2:30 p.m.

For further information, please contact Lisa Vehmas of the subcommittee staff at 202-224-7555.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, April 28, 1993, at 10 a.m., in SR-332 to consider pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ARMED SERVICES

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, April 28, 1993, at 9:30 a.m., in open session, to consider the following nominations: Jamie S. Gorelick, to be General Counsel of the Department of Defense; Maj. Gen. Michael E. Ryan, USAF, for appointment to the grade of lieutenant general and to be Assistant to the Chairman of the Joint Chiefs of Staff; Maj. Gen. John J. Sheehan, USMC, for appointment to the grade of lieutenant general and to be Director for Operations [J-3], Office of the Joint Chiefs of Staff; and Lt. Gen. Barry R. McCaffrey, USA, for reappointment to the grade of lieutenant general and to be Director for Strategy, Plans and Policy [J-5], Office of the Joint Chiefs of Staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ARMED SERVICES

Mr. GLENN. Mr. President, I ask unanimous consent that the Commit-



tee on Armed Services be authorized to meet at 3 p.m. on Wednesday, April 28, 1993, in executive session, to discuss Bosnia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate Wednesday, April 28, 1993, at 10 a.m. to conduct a hearing on the state of urban America on the eve of the 1-year anniversary of the civil disorders in Los Angeles and 25 years after the report on the Kerner Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., April 28, 1993, to receive testimony from Jim Baca, nominee to be Director, Bureau of Land Management, Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GLENN. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, April 28, beginning at 9:30 a.m., to hear Robert M. Sussman, nominated by the President to be Deputy Administrator of the U.S. Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 28, at 9 a.m. to hold hearings on State Department nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Aging be authorized to meet for a hearing on new directions in aging policy, during the session of the Senate on Wednesday, April 28, at 10 a.m. in SD-106.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS AND ALCOHOLISM

Mr. GLENN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources'

Subcommittee on Children, Family, Drugs and Alcoholism be authorized to meet for a hearing on programs for supporting families, during the session of the Senate on Wednesday, April 28, at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, April 28, 1993, at 9:30 a.m., to hold a hearing on "Oversight of Federal Trade Data: What We Don't Know Could Hurt Us."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS, AND FORESTS

Mr. GLENN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks, and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., April 28, 1993, to receive testimony on S. 21, a bill to designate certain lands in the California desert as wilderness, to establish Death Valley, Joshua Tree, and Mojave National Parks, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ADDITIONAL STATEMENTS

JARED ROSNER, RESPECTEEN REPRESENTATIVE FROM WOODBRIDGE, CT

• Mr. DODD. Mr. President, I rise today to share with my colleagues a remarkable young person, Jared Rosner of Woodbridge, CT. I recently met Jared when he was visiting Washington as Connecticut's representative for the RespecTeen National Youth Forum.

Jared earned the opportunity to come to Washington to lobby his congressional representatives after writing a letter about ozone depletion to my friend and colleague, Representative ROSA DELAURO. Currently an eighth grade student at Amity Junior High School, Jared is a thoughtful and articulate spokesman on the subject of ozone depletion, which threatens our planet's ecological future. I am confident that Jared will continue to be an effective advocate on issues of concern to him and his peers as he pursues his life goals.

Jared's parents, Krista Hart and Robert Rosner, as well as his teacher, Mrs. Rita Gedansky, should be justly proud of his achievements—I commend them all. I believe it is critical that we all do our part to foster and encourage the intellectual and civic development of our

Nation's youth. Jared Rosner is a shining example of what can be accomplished when we do.

Mr. President, I respectfully request that a copy of Jared Rosner's essay entitled "Ozone Depletion" be included in the RECORD following my remarks.

The essay follows:

OZONE DEPLETION

(Written in 1990)

The ozone layer is a thin layer of gas in the stratosphere which is critical to the survival of the planet. Ozone molecules are formed when ultraviolet light hits oxygen molecules (O<sub>2</sub>), and causes three oxygen atoms to band together. The ozone molecules then absorb harmful ultraviolet rays, shielding plants and animals on land and in the ocean, lakes, and rivers.

There is clear evidence that the ozone layer is being destroyed. NASA's 1987 airborne survey over the Antarctic detected an ozone hole approximately the size of the United States. In Antarctica in winter, the cold polar stratospheric clouds have icy surfaces which allow reactions converting inactive chlorine compounds into harmful chlorine monoxide. To make things worse, the loss of ozone apparently decreases the absorption of solar energy; this cools the air, increases ice cloud formation, and creates even more ozone destroying chlorine monoxide. NASA's ER-2 research airplane measured concentrations of chlorine monoxide and ozone simultaneously as the plane flew from Punta Arenas, Chile (53 S) to 72 S, on September 16, 1987. As the plane entered the ozone hole, concentrations of chlorine monoxide increased to about 500 times normal levels, while ozone decreased.

It is now known that the Arctic's stratospheric ozone is also being eroded. In the past 20 years, ozone depletions of 2-10 percent have apparently begun to occur during the winter and early spring in the middle-to-high-latitudes of the Northern Hemisphere as well, with the greatest decline in the higher latitudes.

It is now quite evident that chlorofluorocarbons are the major culprits in ozone depletion. Introduced several decades ago, they are widely used as refrigerants, aerosol propellants, solvents, and blowing agents for foam products. At first they seemed to be a perfect property, because they are very stable, unreactive in the lower atmosphere (troposphere), and pose no direct toxic threat to living organisms. Unfortunately, when CFC's are exposed to ultraviolet radiation in the stratosphere, they are broken apart, and the free atoms destroy ozone.

The development of Supersonic transports (SST's) was abandoned in the 1970's because of environmental concerns. It is now being considered again, and the effects of SST's on the ozone layer is an important part of the consideration. One study has concluded that if a fleet of SST's large enough to be commercially viable were built using engines that are now standard, they would reduce the ozone layer by 15 to 20 percent. The study's author, Harold Johnston, has shown that nitrogen oxides destroy ozone in the stratosphere, even though they are known to actually control ozone in the troposphere. (chart 2) The nitrogen oxides and other particles emitted by SST's might disturb the normal chemistry of the ozone layer in the way that CFC's do.

Ozone in the troposphere, where we live and breathe, is also a problem. Ground level ozone is the main cause of smog-induced eye

irritation, impaired lung function and damage to trees and crops. The severity of smog is therefore generally expressed on the basis of ground-level ozone concentrations. In other words, the same three-oxygen molecule that is critically important for absorbing ultraviolet radiation in the stratosphere, where some 90 percent of atmospheric ozone is concentrated, is a problem when it accumulates in excess near the earth's surface.

While a decrease in ozone near the ground would benefit polluted regions, any decrease in stratospheric ozone is disturbing, because the resulting increase in ultraviolet radiation reaching the earth could have many serious effects. It could elevate the incidence of skin cancer and cataracts in human beings, and it might damage crops and phytoplankton, the microscopic plants that are the basis of the food chain in the ocean. Large changes in ozone may also have unpredictable climate effects.

In September 1987, 46 nations signed the Montreal Protocol, a treaty to achieve a 50 percent net reduction in ozone-destroying chemicals worldwide, by the end of the century. But the Montreal Protocol had not even gone into effect when in 1988 an intense reevaluation of measurements worldwide concluded ozone was depleted all over the globe, not just Antarctica. The parties to the treaty now are in the process of strengthening it. By the end of the year they are expected to agree on a total phase-out of CFC's and strict controls on other sources of stratospheric halogens.

The only way to save the ozone layer is to stop the production and use of chlorofluorocarbons in refrigerants, insulants and solvents. The Montreal Protocol of 1987 is an international agreement to stop CFC production by 1998, but it may not go far enough. CFC's released today will last for years and years. One chlorine atom can split 100,000 ozone molecules in one year.

There are several efforts which address the ozone problem. The Program for Alternative Fluorocarbons Toxicity Testing was formed in January 1988. Fourteen international companies are testing the five leading ozone-friendly compounds. The EPA is expected to begin regulating the "venting" of CFC's into the atmosphere, so some companies are trying to recover and recycle CFC's now. NASA's Ozone Trends Panel is studying the variations in the ozone hole. In March, 1988, there was a convention on the Protection of the Ozone Layer. It recommended freezing production of chlorinated hydrocarbons now, and reducing production later.

There are amendments proposed to the Clean Air Act which will regulate alternatives to CFC's. Industries which use CFC's are concerned about the cost of developing alternatives which might later be found to be unsafe. It is certain that a total phase-out of CFC's is necessary, and it must come soon. Al Gore, U.S. senator from Tennessee, recommends a Strategic Environment initiative to take a broad approach to all environmental concerns. Even more, we all need to respect our planet at least as much as our economy, and to be willing to make sacrifices for its safety and ours.

#### OZONE DEPLETION UPDATE—1993

The depletion of the ozone layer is now known to be pervasive around the globe, not limited to a hole over Antarctica. The stratosphere over all regions except the tropics has lost a few percent of its ozone since 1979. During December, January, and February of this year, concentrations of stratospheric ozone measured 9 to 20 percent below average in the middle and high latitudes of the

northern hemisphere. Measurements made by the Upper Atmosphere Research Satellite (UARS) support the idea that destructive chemicals helped thin this winter's ozone: the satellite measured extremely high concentrations of chlorine monoxide over much of the Arctic and surrounding regions.

Scientists predict that concentrations of chlorine in the stratosphere will increase 7-9 times the natural level by the year 2000. However, CFC's continue to be produced, and one of the replacement chemicals for CFC—hydrochlorofluorocarbons, or HCFC's—also will deplete the ozone layer. Dupont, a major manufacturer of these chemicals, will be allowed to produce HCFC's until 2030.

Environmentally safe alternatives exist: water-based solvents and cooling systems, and helium refrigeration, can replace CFC's and HCFC's.

There is some good legislation which will prohibit the "venting" of CFCs. Venting R-12, which is the CFC in a car's air conditioner, and R-22, which is the CFC in home and office air conditioners, is now against the law. This means that in making and repairing these air conditioners the coolant must not be allowed to escape into the atmosphere.

#### Discovered

Record high concentrations of chlorine monoxide (ClO), a chemical by-product of CFCs, known to be the chief agent of ozone destruction.

#### CFC uses

Refrigeration.  
Air conditioning.  
Cleaning solvents.  
Blowing agents.  
Aerosol sprays.

#### CFC reduction

1987, Montreal Protocol: called for 50% reduction in CFC production by 1999.

Three years later, as ozone loss mounted, international delegates met in London and agreed for a total phaseout of CFCs by the year 2000.

#### Ozone losses

Ozone has declined 4%-8% over the U.S. in the past decade.

Fifty percent loss of ozone over Antarctica.

Potential 1% to 2% ozone loss each day over Northern Europe.

Every time ozone depletion is detected over Antarctica, there's a significant increase in ultraviolet radiation on the ground in Australia and New Zealand.

#### Effects of ultraviolet radiation

Cataracts.  
Mutations in DNA.  
Skin cancers.  
Can disrupt the ocean food chain.

In Australia, scientists believe that crops of wheat, sorghum and peas have been affected, and health officials report a threefold rise in skin cancers.

#### What's being done

In Chile, some parents are keeping their children indoors between 10 a.m. and 3 p.m., and soccer practices have been moved to the evening.

New Zealand schoolchildren are urged to eat lunch in the shade.

#### Deadline

The United States has cut four years off its deadline to get rid of chemicals causing the deterioration. New date—December 31, 1995.

#### What You Can Do

When in sun for prolonged periods, wear fabrics with a tight weave and a wide brimmed hat.

In summer, wear sunscreen with a sun protection factor of at least 15.

Wear sunglasses in bright sunlight. •

#### REACTING TO TAILHOOK

• Mr. MCCAIN. Mr. President, we have now received the second and final report of the Department of Defense's investigation into the incidents that took place at the Tailhook conference in 1991. On October 29, 1991, I was the first Member of Congress to denounce these incidents and call for a full investigation. I have always insisted that those who abused women, or dishonored their service, should be appropriately punished.

It is imperative that such justice be done. There should be no room in a professional and all-volunteer military for sexism, or any activity cosponsored by a military service, or on a military facility, that does not reflect the high standards of professional military conduct. We cannot tolerate conduct by our military officers that brings disgrace to their service, or injures the dignity and honor of their colleagues.

I cannot ignore the fact that the Tailhook incident has cast a cloud over a service in which my family has served with pride for four generations. I cannot ignore the fact that it has cast a cloud over a service that has defended this country with great honor and success since we sought our independence. And, I cannot ignore the fact that the actions of a few wrongdoers has cast a cloud over hundreds of thousands of men and women who continue to serve with honor, and whose conduct is beyond reproach.

I believe that the Navy did make important errors in the way it handled the Tailhook investigation. I believe that it was slow to react, slow to appreciate the seriousness of the situation, and initially failed to conduct a suitably rigorous investigation. Several senior officers and political appointees have already been disciplined for these failings.

There is, of course, no bright side to the Tailhook incident. However, we can and must learn from past mistakes. In this regard, the Navy has taken important steps to prevent future Tailhooks, and to deal with the broader problem of sexual harassment. The Navy's response to the Tailhook incident since October 1991 has been direct and forceful.

In October 1991, this response started with the publication of a single policy addressing sexual harassment and immediately terminating any type of Navy support for the Tailhook Association. This policy has the widest distribution within the Navy and details both command and individual responsibility in any harassment situation and calls for the mandatory separation from the Navy of serious offenders.

To articulate this policy, the Department of the Navy conducted a manda-



tory all-hands standdown. This type of forum, used with frequency in safety related training, provided a clear concise message from the Secretary of the Navy that the Navy would face squarely the issue of harassment, focus on solutions, and eradicate this form of discrimination as was done with racial inequality and drug abuse.

The Navy created the Standing Committee on Women in the Service. This panel generated 80 specific recommendations for immediate implementation. They are far ranging, hard hitting, and form the basis for future efforts that could ultimately eradicate sexual harassment from the service. To date, one quarter of these proposals have been completed, and the remainder are far along in the implementation process.

For example, one of the standing committee's recommendations was to institute a toll-free sexual harassment hotline to allow women the safety and security to report sexual harassment incidents privately and without enduring bureaucratic redtape. To date, more than 75 percent of the phone calls have been from men requesting clarification of sexual harassment policies—signaling an ever-increasing awareness of this singular policy.

Every level of leadership training, from initial petty officer indoctrination to prospective command officer courses, reinforces these new policies.

In April 1992, the Navy graduated the first coeducational recruit companies from the Naval Training Center in Orlando. This unique initiative was developed to foster and encourage mutual respect and teamwork by grouping young 17- and 18-year-old men and women together in the same company, forcing them to train together, live together, eat together, and bond together as one unit. The success of this program is shown by its record of zero harassment incidents in the year since its inception.

Six additional women flag officers have been selected this past year. Senior enlisted positions including command petty officer billets are being filled in greater numbers with well qualified women. At least 28 more command positions have been opened to women, and opportunities for advancement have significantly increased. In general, promotion rates for women have been better than for their male counterparts.

Only time can tell whether these actions will be sufficient. It is already clear, however, that the Navy leadership alone cannot rectify the impact of Tailhook. The fact is that the Navy's reputation can only be restored by the deeds of the individuals who wear its uniform. Every man and woman in the Navy must take it upon themselves to act in a manner which protects the dignity and honor of their service.

More broadly, I believe that Tailhook further illustrates the need to give

women full equality in the Navy, and that this can only be done if we move steadily and deliberately toward allowing them to serve as combat pilots and on combat ships. However, I also wish to make it clear that I do not believe that we should move toward placing women in ground combat roles, given the very different conditions that exist in the Army and Marine Corps.

Nevertheless, part of the problem we faced in Tailhook was the false impression that women were somehow a separate class of members of the Navy, given privileges they had not earned. The fact is that women have earned those privileges, and their conduct in Desert Storm proved that fact. They have not been denied full access to the most challenging positions in the Navy because of a lack of capability, but because of traditions which time has overtaken.

Mr. President, I believe we can only put Tailhook fully behind us if we focus on the solution to the problem and not the incident. I believe that the Navy will mete out justice and move forward with honor and integrity to continue to serve as it has for two centuries. That is the goal that all those who have served in the U.S. Navy, must earnestly strive for, as we repair this breach of honor.●

#### SUPPORTING DEMOCRACY IN RUSSIA THROUGH TRADE

● Mr. BAUCUS. Mr. President, I rise today to discuss the steps we are taking to help Russia and the other former Soviet Republics through trade.

Last Sunday, the people of Russia made a historic statement of support for reform and democracy. Many believed they had lost heart over the past year. Some, even here in the United States, spoke patronizingly of a supposed Russian cultural preference for a "strong hand" or the need for a Chinese solution in which an authoritarian government would suppress dissent while economic reform moved ahead.

Sunday's referendum proved these skeptics wrong. Democracy has already made Russian life much better—through free speech, better films and newspapers, more open emigration, and a greater voice in national policy.

Over the long run, it can make life easier as well as better. It has not yet, however, restored economic growth or reduced unemployment. And if it does not do so in the next few years, it may not succeed in the long run.

We cannot make sure it does these things. But we can help, and I think democracy in Russia and the other former Soviet Republics is so important to the world that we must help.

When most people speak of helping Russia, they speak mainly of financial aid, moral support, and technical assistance. I am also for aid. But in the long run, aid will not solve Russia's

economic problems. Russians themselves must start the businesses, create the jobs, and make the products that will expand the Russian economy.

The single most important contribution we can make to that process is to increase trade. And—unlike many forms of aid—increasing trade helps us as well as Russia, since a richer Russia will buy more American goods.

Last year, American trade with Russia totaled \$3.4 billion. That is only a tenth of the volume of our trade with China. It is the same as our trade with Norway—a country whose population is 3 percent of Russia's 150 million. Lack of hard currency, ambiguous laws, conflicts between the central and regional governments, and a poor distribution system all make trade with Russia difficult. Russians themselves have to solve most of these problems. But Russia is also handicapped by lack of business and trade experience and there is no better place to learn these skills than on the job.

That is why I am so pleased by the sections of the administration's Russian aid package which promote trade. These include: Agricultural trade credits; support for some important individual trade projects; tariff reductions through eligibility for the generalized system of preferences; preparation for easing controls on U.S. technology exports; support for Russian entry into the General Agreement on Trade and Tariffs; and commitment to review laws on the books which restrict United States trade with Russia and other former Soviet Republics.

First, agricultural trade. Seven hundred million dollars worth of Food for Progress loans will restore Russia's ability to buy American grain. Russian consumers will once again be able to buy American wheat, oilseeds, and feed grain. These products have an extremely important side benefit in helping to avoid food shortages. We should never forget that the event which brought down Tsar Nicholas in 1917 was not a Communist plot, but a bread riot in St. Petersburg.

Second, trade and investment projects. The Eximbank will finance an \$82 million loan to help Caterpillar Tractor develop a gas pipeline on Russia's Yarnal Peninsula, thus creating jobs in Russia and bringing an important contract to the United States.

The Trade and Development Agency will grant \$1.4 million for oil and gas feasibility studies. And OPIC, the Overseas Private Investment Corporation, will offer a \$150 million package to support CONOCO's "Polar Lights" project in the White Sea.

Third, tariff reductions under the Generalized System of Preference Program, or GSP a special program that helps developing countries enter the U.S. market by letting them export some of their products duty free. Under the administration's Vancouver sum-

mit package, Russia will become eligible for the GSP. This would open a temporary duty-free market for up to \$440 million worth of Russian exports. This will create jobs and help the Russian economy, as well as providing new products for American consumers.

Fourth, export controls. The administration has agreed to help Russia design a more efficient system of export controls, to ensure that Russian technology, or Russian high-technology imports from the United States and other countries, do not go to help outlaw nations develop their military capacity.

This is obviously important for its own sake. However, it will also allow us to relax our controls on technology exports to Russia. Thus, it would let American companies export state-of-the-art hardware, software, and other high technology products to Russia.

Fifth, GATT. The administration pledges to give Russia technical aid and advice in meeting GATT free-trade rules, and to support Russia's formal application for membership. This will vastly ease Russia's ability to trade with the 108 countries that are GATT members.

Finally, President Clinton has agreed to review our own laws, like the Jackson-Vanik amendment, which restrict trade with Russia. I view this step as long overdue. It would be an extraordinary irony if the laws we devised during the cold war became an obstacle to the ability of today's democratic Russian Government to make reform succeed. Assuming the issue of refuseniks has been completely resolved, I would support eliminating Jackson-Vanik's application to Russia.

These trade-promoting pieces of the aid package have two important things in common.

First, they help Russia. They ensure that Russian citizens have food. They create jobs. They help Russian entrepreneurs learn new skills. In the long run, they will help reform and democracy succeed.

Second, they help us. They preserve an essential market for American farmers. They create a new market for some American manufacturers, including producers of big-ticket capital goods. And they help build long-term business relationships that mean exports and jobs for America.

In the long run, the fate of reform depends on the ability of the Russian people to develop a market economy. Promoting trade with Russia is our single best opportunity to help them begin to prosper. I am very pleased to see the administration take that opportunity. ●

**SERMON DELIVERED BY SENATOR JOHN DANFORTH, WASHINGTON NATIONAL CATHEDRAL**

● Mr. COHEN. Mr. President, on a recent Sunday, the senior Senator from Missouri, JOHN DANFORTH, preached a

sermon on the Holocaust at the Washington National Cathedral.

Senator DANFORTH is a man of many talents—a lawyer, a clergyman, and one of the most thoughtful and dedicated Members of this body. He has served with distinction for many years. His opinions are often sought and highly regarded, and he has played a key role in much of the important legislative business transacted in recent years. While noting these accomplishments, I must also observe with considerable regret that Senator DANFORTH will be leaving us at the end of his current term to return to his native Missouri and pursue other endeavors.

However, while we still have benefit of his wisdom, I would like to call the Senate's attention to Senator DANFORTH's remarks at the Washington National Cathedral. His thoughts are particularly thoughtful and timely as we mark the opening yesterday of the Holocaust Museum here in Washington and the anniversary of the Warsaw ghetto uprising. I ask that the text of his speech be placed in the RECORD for the benefit of all Senators.

The text of the sermon follows:

**SERMON PREACHED BY THE REVEREND JOHN C. DANFORTH, A U.S. SENATOR FROM MISSOURI, TO COMMEMORATE THE OPENING OF THE U.S. HOLOCAUST MEMORIAL MUSEUM, WASHINGTON NATIONAL CATHEDRAL, APRIL 18, 1993**

Fourteen years ago this Cathedral held the first national observance of Days of Remembrance of the Victims of the Holocaust. It was my privilege to preach the sermon.

A year later, President Carter signed a law making Days of Remembrance an annual observance.

This year is especially eventful for two reasons. Tomorrow marks the 50th anniversary of the Warsaw Ghetto Uprising, the symbol of Jewish armed resistance against the Nazis. Secondly, we are dedicating the United States Holocaust Memorial Museum. That structure will guarantee that, for generations to come, Americans will never forget the horrors of the past.

From the beginning, Days of Remembrance have included a Sunday, the Christian day of worship. Christians who helped design Days of Remembrance wanted it that way. They wanted Christians to reflect on the Holocaust and to consider their own responsibility and their own response.

So we meet today, not in an auditorium but in a Christian cathedral, not in an interfaith service, but in the central act of Christian worship. We meet to remember six million Jews—their terrible deaths and the events leading to those deaths. We meet to say what the Holocaust means to us as Christians and what we intend to do as our response.

It is not possible to recognize the magnitude of the Holocaust without admitting the complicity of Christians. Germany, in the 1930s and '40s, was a country of ancient Christian traditions, both Catholic and Protestant. Nothing of any consequence that occurred in that country could have escaped the notice of Christian citizens. Because the Holocaust was so prolonged and so enormous, countless Christians must have participated in it.

Consider the size of the Holocaust. Then ask yourself if Christians were responsible.

Nazi persecution of Jews lasted 12 years, from 1933 to 1945. This was no passing phase.

Hitler raved against Jews at mass rallies attended by hundreds of thousands. This was no secret act.

Innumerable people built and guarded death camps, operated gas chambers, and cremated or disposed of bodies. This was a job for multitudes.

Nazis rounded up Jews throughout Europe. Cattle cars filled with Jews crisscrossed the continent. This was a huge and complex task.

In the end, the extermination of Jews became the highest priority of Nazi Germany. It took precedence over winning the war. This was not the work of a few madmen. It was the mission of a nation, meticulously planned and carefully executed. It defined the purpose of a political system. It engaged the commitment of citizens and soldiers. It could not have been a secret. Those who did it and those who condoned it professed the Christian faith.

How could Christians have done this?

In the summer of 1944, one of the Auschwitz gas chambers was out of order. Therefore, the SS proceeded to kill children by burning them alive on a wood fire. To mask the screams, prison officials ordered an inmate orchestra to play the Blue Danube.

Of the six million Jews killed in the Holocaust, one million were children. How could Christians have done this?

To answer this, we must see that the Holocaust is not an isolated anomaly. We must see it in context.

This does not mean that the Holocaust is merely another event in the long course of history. It is unique. We should never obscure its horror by comparing it to anything else. It stands alone as the darkest epoch of humankind. Never before or since has absolute evil held such overwhelming sway.

But anti-Semitism did not begin in the 1930s. In the Fourteenth Century, Christians in Europe gave Jews the choice of converting to Christianity or burning alive. In 1648 and '49, programs in Eastern Europe claimed a half million Jewish lives.

And anti-Semitism continues in the 1990s. It continues in our own country. Last year, at Brown University, swastikas and anti-Jewish statements appeared on dormitory doors and in library books.

Last year, at Queens College, New York, dead cats were placed in toilets with graffiti on the wall saying, "We're going to do to Jews what we do to the cats."

This past February, in Fort Lauderdale, Florida, a newspaper ad appeared advertising soap made from Jews.

Thoughtful Christians are asking, what is the cause of this behavior and what can we do about it? Gregory Baum, a Christian student of anti-Semitism wrote, "The Holocaust teaches the Church that any monopolistic claim to divine truth or any form of ecclesiastical self-elevation will eventually translate itself \* \* \* into social attitudes and political action and hence generate grave injustices and eventually accumulate to become major crimes."

This is a good explanation of anti-Semitism, as well as other forms of religious hatred. Any monopolistic claim to divine truth leads to grave injustice and major crimes.

There can be no doubt that this is true. In country after country, it is true today. It is true in Lebanon and in Northern Ireland. It is true in America and Azerbaijan, in Bosnia and Herzegovina. It is true in Sudan and on the West Bank of the Jordan. It is true between Catholics and Protestants, Christians and Muslims, Muslims and Jews.



Killing in the name of God is as old as history. To true believers, it is a cause. To the less religious, it is an excuse. Here is the line of reasoning: I have God's truth. You have rejected God. I have a mission. It is to spread God's truth. You resist me. I will destroy you.

In the Middle Ages, Christians launched crusades in the name of Christ. Claiming Christ's sanction, they took arms against supposed infidels. In this century, supposed Christians, who were followers of Adolf Hitler murdered six million Jews. All this was in the name of or under the cover of the Prince of Peace.

If a monopolistic claim to divine truth leads to holocaust, what are we Christians to do? How are we to respond so as to assure that neither holocaust nor anything like it will ever happen again?

First, we must make it clear that Christians do not have a monopolistic claim to divine truth. We must say, as Cardinal Franz Konig said, "Anti-Semitism has no basis in theology." If Christian theologians have not stated this with sufficient clarity in the past, they must state it forthrightly in the future.

With regard to any monopolistic claim to divine truth, Jesus taught us that we are not to judge others lest we be judged ourselves. We are not to condemn others lest we be condemned ourselves. St. Paul taught us the limitation of our own wisdom. He said that we see through a glass darkly. He said that all people, including the most devout Christians, fall short in the sight of God.

Then there is our responsibility to be ministers of Christ, ambassadors of reconciliation. The Epistle to the Ephesians speaks of Christ who makes peace, who reconciles us to God, who brings hostility to an end. This is the Christ of the New Testament—the Christ who reaches out his arms in love—who embraces humankind. We Christians, clergy and lay, are his ministers, not his warriors or his vigilantes.

Christ has not licensed his followers to abuse other people. The opposite is the case. Listen to the words of Jesus from the Sermon on the Mount:

"You have heard that it was said to the men of old, 'You shall not kill, and whoever kills shall be liable to judgment.' But I say to you that everyone who is angry with his brother shall be liable to judgment. Whoever insults his brother shall be liable to the council, and whoever says, 'You fool' shall be liable to the hell."

In Christianity, the commandment, "Thou shalt not kill" includes even insults. It includes even calling a person a fool. It certainly includes anti-Semitism in any form. The Christian faith not only does not condone it, the Christian faith forbids it.

The first step, then, is to state clearly that Christians do not monopolize divine truth and that we cannot abuse other people. That is a task for our theologians and our preachers. But what about the ordinary Christian? Surely, the whole answer to the Holocaust is not in the hands of scholars and preachers. The work of holocaust was the work of average men and women. So the work of preventing holocaust should be the work of average men and women. The work of love is more than thinking and speaking. The work is acting.

What can ordinary Christians do to combat holocaust? What actions can we take? Here are three examples. You will be able to think of others.

First, as Christians, we can show an interest in the religious life of Jewish friends. It

is a wonderful experience to attend the bar mitzvah of a friend's son, or share a Seder meal at Passover, or, best of all if you can get an invitation, attend an orthodox wedding. If you show an interest, Jews will delight in surrounding you with the warmth of their tradition. Simply knowing people and their beliefs helps prevent meanness and abuse. It is also proof, on a very personal level, that Christians do not monopolize divine truth.

Second, ordinary Christians can actively fight any form of bigotry they encounter. When we hear a hateful word, we can speak out against it. We can let it be known that we do not approve of it and do not want to hear it repeated. And, we can do more.

From time to time, we read newspaper accounts of terrible acts to Jews in our own communities. A swastika may be painted on a synagogue or graffiti on a school. It would be a wonderful act of faith and a magnificent statement to the community if Christians arrived within hours, with buckets and scrub brushes, and cleaned up the mess. Christians can do more than say they oppose bigotry. They can show they oppose bigotry.

Third, Christians can seek out specific ways to work with Jews in the service of the broader community. Such a project could be a joint outreach to the inner city or to the homeless. This would not be just another effort by good people to do good works. It would be specifically religious. Jewish and Christian congregations, in concert with each other, would act out their religious commitments to love their neighbors. They would be doing so, in the name of God, not out of a general feeling of good will. If people can kill one another in the name of God, surely they can work together in the name of God. In compassion for the poor and weak, Jews have a lot to teach Christians. The prophetic tradition of social justice is a legacy Jews have given us.

Taking an interest in Jewish religion, active opposition to bigotry, common projects of social outreach—these are three ways in which ordinary Christians can respond to the Holocaust.

The point is not precisely how we respond, but that we respond—in thought, in word and in deed. The point is that we respond to the most dreadful epoch in history, that we respond not because we are good people, but because we are Christians. The point is that we make it our task to assure that neither the Holocaust nor anything like it will ever happen again.

We gather in our cathedral at our regular time of worship. We remember the death of six million Jews. Jewish guests at this service honor us by their presence, for they share with us their special tragedy. Let us make it a point to share more together in years ahead.

At our service in our words Christians respond to the Holocaust. We renounce bigotry in all its forms. We renounce it in the name of Christ.●

#### WORKERS MEMORIAL DAY

● Mr. KOHL. Mr. President, April 28 commemorates the anniversary of the Occupational Health and Safety Act, watershed legislation that, it was hoped, would provide basic health and safety protections for American workers in their places of employment.

And yet Mr. President, since the enactment of this important legislation, nearly 2 million Americans have died

as a result of workplace hazards. Each year some 10,000 more workers die of work-related injuries, and over 100,000 more from occupational disease. The Rand Institute of Civil Justice estimates that workplace injuries cost \$83 billion a year in medical and productivity costs.

The 1991 tragedy in a North Carolina poultry plant spotlighted the reneging on the Federal promise of workplace safety. Unlike other Federal environment and safety laws, like the Clean Air Act, the Occupational Health and Safety Act has not been substantially reformed in 20 years. The workplace has been enhanced; but not protections for workers.

I am not one of those who believe that the majority of employers are out to cause harm to their workers. I am not one of those who believe that simply increasing criminal penalties for gross and negligent violations will ensure safe workplaces. Businesses do struggle to make a profit, and rightfully so. But their profits should be gained as a result of their productive work force, not at the expense of the lives and productivity of their work force.

So we must encourage labor-management teams. In Wisconsin, they have been proven to save business money by reducing liability insurance costs. We must increase the input that workers have in creating and maintaining safe working environments. We must assure that adequate on-the-job safety training programs are available. We must assure that American workers no longer have to choose between reporting a violation that might save a life and keeping a job to support their family. We must be clear that we want employers spending their time cooperating with employees, not pushing reams of paperwork that bureaucrats aren't going to read anyway. We need healthy productivity.

And we must assure that the Occupational Safety and Health Administration has the resources, financial and personnel, to do more than show up once every 5 years in response to a worker complaint. Back-ended criminal enforcement is a way to put a little money in the Federal treasury, but it does woefully little to prevent the injuries and illnesses in the first place.

I support reforming OSHA. And I take this opportunity of the anniversary to remember the workers who have given their lives, and years of productivity, to their employers. Let us right the wrongs of those workplaces. Let us move on OSHA reform—in memory of the past and committed to a safe and healthy future.●

# PRINCIPLES TO GOVERN WESTERN POLICY TOWARD BOSNIA, SERBIA, AND CROATIA

• **Mr. FEINGOLD.** Mr. President, one of the most tragic and troubling conflicts of our time has been how to respond to the unspeakable horrors perpetrated by Slobodan Milosevic's Serbian Armies against the people of the Republic of Bosnia and Herzegovina. There are no simple solutions to this problem, but that is no justification for the inaction which has paralyzed the international community regarding Bosnia.

Senator BIDEN, chairman of the Subcommittee on European Affairs, has provided much needed leadership on this issue. He recently traveled to the region, and held a comprehensive series of meetings with political, military, and United Nations officials. His conclusions and recommendations are presented in a report entitled, "To Stand Against Aggression: Milosevic, the Bosnian Republic, and the Conscience of the West."

I commend this report for the consideration of my colleagues. It includes many thoughtful and important observations, which I believe clearly articulate the issues, and should shape our thinking on this war. Unfortunately, because of its length, I cannot submit the entire report to the RECORD. However, without objection, I request Section II of Senator BIDEN's report, "Principles to Govern Western Policy," be entered into the RECORD.

The excerpt follows:

## II. PRINCIPLES TO GOVERN WESTERN POLICY

If the West is to fulfill the obligations of conscience—and to protect its own interest in international stability—the following principles should govern the policy the United States must now lead the international community to apply toward Bosnia, Serbia, and Croatia:

Redefine the conflict from civil war to international aggression.

Focus first on the imperative of halting the Serb advance.

Recognize the liabilities and limitations of the Vance-Owen plan.

Avoid codifying a Serb victory.

Plan military and humanitarian actions not as mutually exclusive but as reinforcing. Accept the imperative of American military action under any scenario.

Pursue a longer-term strategy of preserving a multi-ethnic Bosnia and deterring wider war.

Seek Russian acquiescence rather than collaboration.

**A. REDEFINE THE CONFLICT FROM CIVIL WAR TO INTERNATIONAL AGGRESSION.** From George Orwell on, modern journalists have understood that, in politics and geopolitics, to control the name is to own the story. During the war in the former Yugoslavia thus far, the shorthand of electronic and print journalism has produced an impression that the conflict is a "civil war" born of "centuries-old religious hatred." This simplification, underscored by the three-sided configuration of the Vance-Owen negotiation, perfectly suits Slobodan Milosevic and his minions, whose aim is territorial aggrandizement and whose need is Western confusion and apathy.

In truth, Bosnia remains a multi-ethnic republic, recognized by the United Nations and dedicated to the principles of democratic rule and minority rights. It is widely understood that thousands of Bosnian Croats led by Mate Boban and thousands of Bosnian Serbs led by Radovan Karadzic have aligned themselves with Croatia and Serbia respectively. What is neglected in public discussion—crucially neglected—is the courage and conviction of thousands of other Bosnian Croats and Serbs who have remained loyal to the Government of Bosnia and to the principle of harmonious multi-ethnic life which it seeks to uphold.

In beleaguered Sarajevo today, multi-ethnic "presidency" continues to lead a multi-ethnic government that presides over a multi-ethnic population defended by a multi-ethnic army. Even with the defections of Bosnian Croats and Bosnian Serbs, the fighting forces of the presidency are 20% Croat and 15% Serb.

Accuracy and clear thought compel that we refer not to the "Muslim" government and the "Muslim" army, but to the "Bosnian government" and its loyalist army.

**B. FOCUS FIRST ON THE IMPERATIVE OF HALTING THE SERB ADVANCE.** The immediate imperative of Western strategy must be to hold the center of Bosnia against an unabated Serb onslaught that has proceeded behind the diversion of the Vance-Owen "negotiating process."

Facing a Bosnian Government army that has been denied the means to defend itself, Bosnian Serb forces have been steadily resupplied by the Yugoslav National Army, which in turn continues to enjoy access to Russian arms. Given this imbalance, only prompt Western intervention can halt the erosion and prevent the collapse of what remains of Bosnian-held territory.

The defense of this critical nucleus must be achieved by a dramatic shift in Western policy, commencing with immediate airstrikes on Serb heavy weapons and Yugoslav Army supply lines and close air support for U.N. relief flights. It will also require strong Western pressure on the Tudjman regime to halt the aggressive acts of Croatian auxiliary forces in western and southern Bosnia.<sup>1</sup>

## C. RECOGNIZE THE LIABILITIES AND LIMITATIONS OF THE VANCE-OWEN PLAN.

We must recognize that the Vance-Owen "negotiating process" has had several perverse effects:

(1) Misguided hope for its success have frozen the West's response to Serbian aggression.

(2) Paradoxically, while diverting the West with hope of a diplomatic solution, the proposed map, with territorial delineations that deny the creation of a contiguous Greater Serbia, has underscored to the Milosevic regime that it can attain its aspirations only by force. Moreover, in signaling that the West would respond even to barbarous aggression with nothing more than diplomatic pleading, the "process" has induced the Milosevic regime to perceive a clear path to creating a Greater Serbia.

(3) Meanwhile, the Vance-Owen map has incited fighting between Croats and Muslim forces—groups previously operating in alliance against Serb aggression—in Bosnian areas the plan would award to one or the other.

In short, the Vance-Owen plan has paralyzed the West, fueled Serb aggression, and weakened Muslim-Croat resistance.

Whatever its good intentions, the Vance-Owen plan is also unrealistic and even perverse as a formula for peaceful coexistence. Its delineation of areas of preeminence for the three ethnic groups is based on the demographics of the past and the assumption that Bosnians will return to their homes. If that return does not occur—for example, Muslims returning to an area designated for Muslim control—then that area will not be controlled by the Muslims, the map notwithstanding. The very existence of the plan thus creates an incentive to deter any such return by ever more vicious "ethnic cleansing."

Only belatedly and at too great a cost has the Vance-Owen process produced one useful result: the refusal of Serbs to sign it has begun to galvanize the international community against Serb intransigence.

Western policymakers must now, however, beware that this unity could be dissipated by a Serb feint in the direction of acceding to the plan. Since the Vance-Owen plan is entirely inconsistent with Serb visions of a Greater Serbia and with current Serb expectations that this goal is being achieved, any such feint will be a deception—until that expectation of victory through aggression is changed.

**D. AVOID CODIFYING A SERB VICTORY.** Because Serb aggression is nearing the fulfillment of its territorial aspirations in Bosnia, the West may soon witness the "conversion" of Slobodan Milosevic to the role of "peacemaker." Purporting to be weary of the horrible slaughter, he will call for a cease-fire and place ostentatious "pressure" on his subordinate, Radovan Karadzic.

If and when this occurs, Western policymakers must discern the parallel with Serbian actions in Croatia, where the Serbs agreed to the "Vance plan" and a U.N.-monitored cease-fire that has had the effect of entrenching Serb gains. Within the areas of Croatia they control, the Serbs have honored none of their pledges under the Vance Plan, whether for disarmament or the return of refugees. Similarly, if the Serbs sue for a cease-fire in Bosnia, it will surely be a tactic to begin the codification of territorial gains already achieved.

Western debate has exhibited a temptation to accept the inevitability of such a Serb victory, and to focus instead on the dangers of a wider war, potentially involving Albania, Macedonia, Bulgaria, and—on opposite sides—Greece and Turkey. For this reason, President Clinton promptly reaffirmed President Bush's warning to President Milosevic that an outbreak of "ethnic cleansing" in the Serbian province of Kosovo would yield a Western military response.

As to the severe danger of wider war, and the need to deter Milosevic from precipitating it, there is broad consensus. Already the Albanian military is conducting exercises in apparent preparation for a mass exodus of Kosovar Albanians into Albania and Macedonia, which has an Albanian population of some 40 percent. Bulgaria, Greece, Serbia and Albania all have historical claims on different parts of Macedonian territory. Meanwhile, East European states like Hungary and Bulgaria are busily developing alliances with other Balkan countries.<sup>2</sup>

<sup>1</sup>Cities where such conflict has apparently occurred include Gornji Vakuf, Travnik, Vitez, Konjic, and Jablanica.

<sup>2</sup>With these factors in play, the following sequence cannot be dismissed as improbable: Undeterred, Milosevic and his Serb henchmen in Pristina begin the "cleansing" of Kosovo by driving Kosovar Albanians into Macedonia and Albania; Albania responds militarily to protect Kosovar Albanians and to annex Albanian portions of Macedonia; with Macedonia disintegrating, other nations with conflicting claims on its territory intervene; these interven-



What must be faced is that the complexity and difficulty of dealing with conflict in Kosovo, and all that would flow from it, far exceeds the challenge of defending Bosnia—and that the best means of preventing a wider war is to defeat Serb aggression now.

Deterrence requires credibility. When no country has even challenged that Kosovo is part of Serbia itself and that Kosovar Albanians are citizens of Serbia, why should Milosevic believe the West will suddenly develop the fortitude to intervene to defend Serbia's own citizens?

The available means to dissuade Milosevic from further aggression and mass violations of human rights is to act now in defense of Bosnia. Given the insipid Western response to date, only a significant air campaign against the Bosnian Serb and Yugoslav national armies is likely to establish the credibility of Western resolve and thereby deter Milosevic or any similar successor from expelling hundreds of thousands of Albanians from Kosovo.

President Clinton has accurately assessed the stakes of acquiescing in Milosevic's quest for a Greater Serbia: "if you look at the other places where this could play itself out in other parts of the world, this is not just about Bosnia." This truth extends even beyond the Balkans.

The former Soviet empire brims with the potential for ethnically-based conflict: Hungary and Romania, Moldova and Russia, Russia and the Baltics, Georgia and Russia, Russia and Kazakhstan. Just as the Bosnian Serbs aim to unite with Serbs in Serbia, these other conflicts are primarily based on ethnic minorities living in a state adjacent to its "mother country." What happens in Bosnia will form a prominent precedent—not for the abstract notion of a new world order but for political decisions looming in Russia, Ukraine, Georgia, and the Baltic states.

If political and military leaders in these countries conclude that aggression undertaken to unify one people in one nation carries with it only a modest price—rhetorical condemnation and temporary economic sanctions—the Bosnian precedent could mark the beginning of a terrible new chapter in European history.

For all its cruelty and destruction, the conflict in Bosnia would be remembered as modest compared to a war between Russia (still a potent nuclear power) and Ukraine (on the verge of acquiring the world's third largest nuclear arsenal) sparked by the presence of millions of Russians in the Crimea.

It is thus for the West not simply a matter of conscience—but a strategic imperative—to defend the principle of minority rights so well embodied in the Bosnian Government and to defeat the practice of ethnic unification through aggression so heinously personified in Slobodan Milosevic.

**E. PLAN MILITARY AND HUMANITARIAN ACTIONS NOT AS MUTUALLY EXCLUSIVE BUT AS REINFORCING.** Under the tutelage of Lord Owen, political debate for months was suffused by a common but inaccurate perception: that the application of military force would endanger U.N. efforts to deliver relief.<sup>3</sup> But in fact such efforts have been wholly hostage to Serb whim precisely because the

U.N. was unwilling to use force to ensure delivery. While the application of military force would imperil existing U.N. procedures, which rely on Serb cooperation, alternative means of food delivery are available:

First, American-led Western airdrops have proven remarkably successful, having delivered more than 1000 metric tons of food and medicine in a matter of weeks without a single allied casualty.<sup>4</sup>

Second, U.N. cargo flights delivering food could be protected with the close air support (CAS) of Western air power (e.g., A-6's and A-10's), under the supervision of AWACS and Hawkeye radar-detection aircraft.

The application of air power will require several steps to protect existing U.N. relief personnel and peacekeeping forces from retaliation:

Conceptually and operationally, the activities of UNHCR (U.N. High Commissioner for Refugees) must be made subordinate to UNPROFOR (U.N. Protection Force); and some UNHCR personnel must be withdrawn.

UNPROFOR must be converted from a food/medicine escort service to a serious military force, fully capable of defending itself.

This will require configuring the force and fully equipping it with anti-tanks weapons and armored vehicles able to withstand RPG (rocket-propelled grenade) fire, as well as a rapid ground-to-air communications link.

To respond to any attacks on UNPROFOR forces, NATO nations must operate continuous high-altitude combat air patrol (CAP). At supersonic speed, an F-16 or F-18 on CAP can be anywhere in Bosnia in less than two minutes.

A Western decision to use air power, even if limited to defensive purpose, would change the entire dynamic of the siege of Sarajevo. Under the prevailing pattern the Bosnians Serbs, confident of Western acquiescence, first shut down the airport with sniper and other fire before resuming the shelling of the city. By so doing, they afflict wide and random destruction without fear of destroying an incoming U.N. flight, a provocation they seemingly wish to avoid. Were the West to begin a 24-hour a day airlift, Bosnian artillery men firing from the hills surrounding Sarajevo would be forewarned of immediate Western counter-strikes. They would thus face, in contrast to their current license to murder with impunity, the risk of initiating their own destruction.

**F. ACCEPT THE IMPERATIVE OF AMERICAN MILITARY ACTION UNDER ANY SCENARIO.** The existence of the Vance-Owen plan, and signatures on it by Bosnian Croats and Muslims, creates scenarios flowing from two possibilities: (a) that the Serbs will sign; and (b) that they won't. It must be recognized that an adequate Western response under either scenario will require American military participation.

If the Serbs do not sign, the United States must lead the West in aiding Bosnia, pri-

marily through air power, to defend existing military frontiers and to lift the siege of Bosnian cities. This will require American participation in close air support for U.N. relief flights and combat air patrols for UNPROFOR as described above, as well as strikes on Serb artillery and JNA supply activity.

Western officials have identified most locations of heavy weapons in Bosnia and support units in Serbia; those targets could be substantially destroyed in an air attack so long as tactical surprise is maintained. To accomplish this would require small numbers of forward "spotters" to locate redeployed Serb heavy weapons and direct precision-guided munitions to their targets using laser designators. To lift the siege of Sarajevo, for example, would require a deployment of such 500 Special Forces.

In the less likely event that the Serbs do sign an agreement, strong follow-up will entail that the United States promptly contribute—in reasonable proportion—to a multilateral force mandated to ensure compliance, including the impoundment of heavy weapons and the disarming of irregular forces. Ironically, more ground forces will be required if an agreement is signed, for a substantial ground force will clearly be required to police the safe return of Bosnian citizens from areas of "ethnic cleansing."<sup>5</sup>

**G. PURSUE A LONGER TERM STRATEGY OF PRESERVING A MULTI-ETHNIC BOSNIA AND DETERMINING WIDER WAR.** Building on attainment of the immediate objective of halting the Serb advance, a longer-term Western strategy in Bosnia should aim to widen the perimeter of Government control while upholding the spirit and practice of multi-ethnic democracy. Meanwhile, the Milosevic regime must be weakened and deterred.

Beyond the military air support described above, this strategy will require:

Not only permitting but abetting Bosnian self-defense;

Assisting in the repatriation of Bosnian refugees and reconstruction in Bosnian areas rendered safe;

Proceeding with war crimes tribunals; Isolating Serbia diplomatically and economically, while breaking Milosevic's media monopoly within Serbia;

Deploying a large U.N. force in Macedonia.

As to the question of Bosnian self-defense, the perverse effects of the U.N. arms embargo should now be plain beyond question. Serbia began the war will all the resources of the Yugoslav army; it has retained covert connections with Russian arms suppliers; and the Serb monopoly on heavy weapons within Bosnia has produced some of the most monstrous atrocities in modern warfare. While the Western debate has been beguiled by images of an invincible Tito guerrilla, the Bosnian Serbs have needed no such combat ferocity in conducting a low-risk campaign of mass murder.

If the arms embargo is lifted, it is the West, not fundamentalist Iran or radical Libya, that should provide weapons to the tens of thousands of Bosnian soldiers—Muslims, Serbs, and Croats—who stand ready to fight for their country. According to Western military officials with whom I consulted in Bosnia, the Bosnians would require little or no further training in order to use small

tions place Greece and Serbia in tactical alliance against Turkish and Albanian Muslims. This scenario is in fact considered highly plausible by experts in the U.S. government.

<sup>3</sup>In the past week, Lord Owen abandoned his opposition to military action and called for airstrikes. Having previously heaped scorn on those who advocated such a course, he did not explain how any of the underlying circumstances had changed.

<sup>4</sup>The U.S. European Command (USEUCOM) in Stuttgart faced a dilemma in preparing for the food airdrop in Bosnia. Large palettes would be accurate but deadly—more than 100 Kurds were killed by falling palettes in non-urban areas of northern Iraq—whereas dropping thousands of MRE's (meals-ready-to-eat) from high altitudes would produce too great a dispersal to benefit those besieged in Bosnian cities. The American military quickly devised an ingenious solution: high-altitude drops of large containers sufficiently weak to break open at low altitude, producing a MIRVed MRE effect, both accurate and safe. (Large-scale tests of this technique on remote German drop-sites yielded an unexpected empirical finding, the only light note on this trip: that the European wild boar, when offered a choice among MRE rations, prefers pasta.)

<sup>5</sup>A sizable ground force would be required not in order to combat widespread Serb opposition, but to deter it. High-ranking American military officials conveyed to me their judgment that Serb irregulars would be highly unlikely to challenge such an overwhelming force, although the danger of individual acts of terrorism cannot be discounted.

arms and anti-tank weapons to good effect. More sophisticated weaponry would require several weeks of training.

There should be no confusion: A successful policy of arming the Bosnians means a long-term commitment of billions of dollars and hundreds of military advisors. This training can be provided, however, in safe-haven areas; and most of the necessary funds should be provided by Saudi Arabia, Kuwait, and other moderate Arab states—states which have complained bitterly of the embargo and Western apathy.

While exercising all possible diplomatic efforts to lift the embargo, the United States should cease any application of its own military assets to enforce the embargo. All American resources available for the interdiction of any commerce in the Balkan region should be devoted exclusively to tightening the embargo against Serbia.

Meanwhile, until such time as the arms embargo is lifted, there is nothing in the embargo obligation that prevents the United States, or any other Western nation, from supplying the Bosnian Government with a wide variety of goods and equipment—uniforms, boots, blankets, even military training of refugees—relevant to the self-defense of the Bosnian republic.

Concerning the conduct of war tribunals, two questions have arisen:

First, how can we expect to conduct diplomatic business with leaders such as Milosevic and Karadzic whom we have branded war criminals and stated our intent to prosecute? This question, I believe, answers itself: We cannot have any such expectation, nor could we even were we to drop our intention to prosecute.

Second, what are the implications of the Bosnian Government's stated intent to conduct such tribunals even at the local level? This question, I believe, requires careful consideration.

Certainly, the Bosnians will never find peace if they remain engaged in a national witch-hunt. But what must be understood is the dual role of war crimes tribunals: not only to punish the guilty but to vindicate the innocent.

A visitor to Croatia, Serbia, or Bosnia is confronted with passionate accounts of Croatian atrocities against Serbs during World War II, Muslim acquiescence in Turkish oppression of both Serbs and Croats during the Ottoman Empire, and the Serb "ethnic cleansing" of Muslims and Croats in recent months. The aim of war crimes tribunals must be to break the psychology of collective guilt and collective blame, rather than reinforce it.

Although recent atrocities are enormous in their brutality, their conduct has in fact required a relatively small number of Serbs, and far fewer Croats and Muslims have sought revenge by retaliating against innocent Serb civilians. True war crimes can be punished, and we should not be tempted by any idea of a blanket amnesty as the catalyst for a peace settlement. Without war crimes trials, and the accompanying individualization of responsibility for the atrocities committed during the war in Bosnia, a multi-ethnic Bosnian state cannot be sustained.<sup>6</sup>

<sup>6</sup> Aryeh Neier, Executive Director of Human Rights Watch, has stated the argument lucidly:

The case for persisting with war crimes trials in the former Yugoslavia is overwhelming. A central cause of this war is the collective attribution of guilt to particular ethnic and religious groups for the crimes supposedly committed by others of the same group in the distant or not-so-distant past. In-

H. SEEK RUSSIAN ACQUIESCENCE RATHER THAN COLLABORATION. Clinton Administration policy on Bosnia has been shaped by sensitivity to the traditional Russo-Serb relationship. The Administration has sought to engage Russian cooperation in the U.N. Security Council and to avoid weakening President Yeltsin vis-a-vis the conservative-nationalist forces in his parliament who are strongly, almost pervasively pro-Serbia.<sup>7</sup> This sensitivity is wise but potentially immobilizing if allowed to become a defining parameter of American policy.

The Clinton Administration has hoped for some positive effect from a kind of good cop/bad cop division of labor, under which the Yeltsin government would inveigh the Milosevic regime and the Bosnian Serbs to desist in their onslaught while the United States intensified outside pressure for a diplomatic settlement. President Clinton appointed Ambassador Reginald Bartholomew as special envoy to the negotiations and Russian Deputy Foreign Minister Vitali Churkin was appointed as special envoy to Yugoslavia.

This effort at cooperation was undoubtedly well-advised insofar as it expanded communication and trust between the Yeltsin and Clinton governments. But any expectation that the Yeltsin government could elicit moderation from Belgrade was misguided.

Far from being a dependency of the Russian government, the Milosevic regime is spiritually, politically, and economically allied with the enemies of the Yeltsin government. Earlier this month, when Radovan Karadzic traveled to Moscow,<sup>8</sup> his purpose was not to consult with the Russian foreign minister but to meet secretly with Russian opposition leaders. One topic in such meetings, it is fair to speculate, was an expansion of Russian support for the Serbs, notwithstanding U.N. sanctions.

Russian opposition parliamentarians, right-wing journalists, and assorted military figures frequently visit Belgrade; and a recent investigation by the Moscow-based *Nezavisimaya Gazeta* has reported that managers of state factories in Russia with longstanding ties to Yugoslavia are engaged in sanctions-busting.

The United States should continue to cooperate with the Russian government on the issue of Bosnia, but with a clear understanding of where interests lie. President Yeltsin does not have a vested interest in the Milosevic regime; Yeltsin's interest consists in defending himself against Russian reactionaries who are aligned with the Milosevic regime. Milosevic is not Yeltsin's ally but his enemy.

Instead of allowing American policy to be limited by what the Yeltsin government can endorse, the Clinton Administration should minimize the Bosnia-related questions on

evitably, those who are victimized in this war will harbor resentments against the groups they see as responsible for their suffering. A war crimes tribunal would individualize guilt: that is, particular Serbs, rather than all Serbs, would be held accountable. If there is ever to be peace in the former Yugoslavia, it will come only after the cycle of collective attribution of guilt is broken.

<sup>7</sup> A fierce unwillingness to countenance any possibility of Serb culpability in the war in Bosnia is surprisingly widespread even among Russians whom the West views as dedicated democrats.

<sup>8</sup> Karadzic had just returned from Moscow when I visited Belgrade to meet with Milosevic. During the course of our meeting, after disclaiming any control over Karadzic or Bosnian Serb policy, Milosevic suggested that we include Karadzic in our discussion of Serb aims. Within 20 minutes of the moment Milosevic picked up the phone, Karadzic arrived perspiring.

which the Yeltsin government must take a stand, recognizing that any action that curtails the power and longevity of the Milosevic regime ultimately serves the interest of both Yeltsin and Russian democracy.

In practice, this approach may mean working even more closely with the Yeltsin government to ensure a Russian abstention from Security Council resolutions that prove necessary. At home, Yeltsin can plausibly argue that vetoing U.N. action to repel Serbian aggression is not only bad policy but would imperil tens of billions of dollars in Western assistance. Meanwhile, Moscow can dissociate itself from implementation of decisions on which it abstains.

By pursuing a policy based on Russian acquiescence rather than direct participation, the United States would not undermine the utility and authority of the Security Council. Indeed, effective application of the principle of collective security will, from time to time, require adroit diplomacy to counteract religious and historic ties that could otherwise interfere with needed Security Council action.

With Boris Yeltsin facing a crucial referendum on April 25, the United States has tried to defer actions that would damage Yeltsin's political position. But beginning on April 26,<sup>9</sup> the United States must begin to act with the full force of its leadership. The steps outlined in Section III should be part of that "April 26th strategy."<sup>•</sup>

#### THE PUBLIC RESPONSE TO TELEVISION VIOLENCE

• Mr. SIMON. Mr. President, years ago, when I began to pursue ways to limit violence on television, the issue was just beginning to percolate in the minds of the public. Today, there is growing concern expressed about the level of media violence and the impact it has on individuals. While much of the pressure for change in entertainment programming is still coming from the public, I am encouraged by steps that have been taken recently by the TV industry. They, too, are stepping back and reevaluating what is and is not appropriate for television viewing, particularly for children and teenagers.

As many of my colleagues know, 3 years ago I sponsored legislation that gave the entertainment industry an antitrust exemption, to allow them to come together to address the problem of media violence. Over the past few months the networks and the cable industry have taken some internal steps to begin reducing the amount of violence in their programming. They, in conjunction with the Motion Picture Association, are planning an industry-wide conference in August where they plan to work directly with the hundreds of people who actually develop ideas and scripts for programs and movies. This is movement in the right direction, but it must continue.

Recently Times Mirror polled 1,516 Americans on media violence. The con-

<sup>9</sup> As noted earlier, April 26 is also the date of the opening of the Holocaust Memorial Museum.



clusions were instructive. Viewers clearly differentiate between violence in news programming and violence in entertainment programming. In the minds of the viewer, news programs have gotten better over the past 5 years while entertainment programs have gotten worse.

A majority of those polled believe that the increasing violent nature of television programming is harmful.

I urge my colleagues to take a close look at the Times Mirror poll and ask that the summary be printed in full in the RECORD.

The summary follows:

#### TV VIOLENCE MORE OBJECTIONABLE IN ENTERTAINMENT THAN IN NEWSCASTS

Many more Americans express concern about the amount of violence on entertainment television programs than about the increasingly violent content of broadcast news. TV news, while seen as containing more graphic violence than in the past, is also seen as reflecting the reality of a violent society.

Further, a large sector of the public appears desensitized to violent video in newscasts because of the graphically brutal movies and entertainment television programs it watches.

These are the principal findings of a recent Times Mirror nationwide survey which found that while more people think the news is too full of violence, fewer people today than in the 1980's believe that the news exaggerates the amount of violence in America. The poll also learned that heavy consumers of action movies, reality crime shows and other violent fare are less uneasy about the violent content of TV news and do not want to be sheltered from reporting of graphic violence, as do many other Americans.

Other highlights of the survey of 1,516 Americans conducted February 20-23 include:

The worlds of television news and entertainment television are judged very differently, with the public believing their newscasts have gotten better and their entertainment programs have gotten worse over the past five years.

The public feels its entertainment television is too violent, and believes this situation to be getting worse. And a strong and growing majority believes that this is harmful to society. In addition, most feel that we as a society have become desensitized to violence as a result of seeing it so frequently on television and in movies.

There is a good deal of "casual" viewing of television news among children, and a significant level of concern among parents about the pictures that their children are seeing and the words they are hearing. Fully half of those with children between 8 and 13 years of age report having turned the TV off or changed the channel because there was something on the news they did not want their child to see—in most cases, something violent. More women than men reported being upset with something their child had seen and have tried to protect their children from televised violence.

There is a "video violence" generation gap. Those under 30 are far more likely to be heavy consumers of violent programming and movies. Accordingly, they have different standards regarding violence in news broadcasting. Younger people are far less bothered by violence on television, less likely to feel the news is too full of violence, and less likely to feel violence is harmful to society, then

are older Americans. Younger people and others disposed to violent programming are much less critical of the quality of entertainment television than are older people.

Young people, non-whites, men and lower income groups all express relatively less concern about violence in news reporting and the most interest in "real life" crime/action shows, such as "Cops," "Rescue 911" or "Top Cops." As many under 30's report seeing such shows regularly as report regularly watching network news.

Those 50 & over are least pleased with entertainment television, most bothered by violence on the screen, and the most infrequent viewers of reality crime shows.

#### VIOLENCE ON TV NEWS MORE APPARENT

A 52% majority of Americans feel that "TV news is too full of violence." That is an increase from 42% in a 1971 Louis Harris national survey. Today, only 44% do not think the news is too full of violence—two decades ago a majority of Americans (52%) held that opinion.

While a larger proportion of the public thinks the news is more violent than in the past, more people also believe that this accurately reflects social reality. By a margin of 55% to 37%, TV news is judged as not exaggerating the amount of violence in the country by Times Mirror's respondents. Ten years ago, the margin was smaller, 52% to 44%, in a comparable ABC news nationwide survey.

Even so, a growing number of Americans voice criticism of television news for the amount of attention it pays to crime stories. Fifty-seven percent believe that TV news gives too much attention to stories about violent crimes, while 12% say they do not give enough attention to such stories, and 26% volunteer that the amount of coverage is appropriate. A national survey conducted in 1983 found 53% saying "too much attention" was paid to this type of story and 17% saying "not enough attention".

#### BUT NEWS NOT BLAMED

Despite criticism that broadcasters pay too much attention to crime stories, Americans are much more troubled by the amount of violence in entertainment programming. Further, a preoccupation with violence is not a dominant criticism of news broadcasting as is the case for entertainment shows. Most Americans (64%) think that entertainment television programs have gotten worse over the past five years and too much violence is most often given as the reason for entertainment TV's decline (38%). In contrast, a large majority thinks that TV news, both network and local, has gotten better (69% and 60%), not worse (14% and 18%) over the past five years. Critics of TV news complain less about violence and more about bias in network news and sensationalism in local news.

Among the respondents bothered by TV violence, twice as many people criticize violence on entertainment shows (58%) as violence on the news (31%). Looked at another way, even among people who think that TV news is too full of violence, most believe that the news has improved over the past five years. But among people who think entertainment TV is too violent, almost all believe it has worsened.

Indeed, there is much in the survey that suggest the public makes sharp distinctions between violence on news and violence on entertainment shows. It is clearly more concerned with violence in entertainment than with violence it feels reflects reality. A majority of those interviewed said they found

TV programs showing violence in fictional situations to be more disturbing to them (54%) than programs that show violence in real situations (33%). And, in discounting a fascination with violence for its own sake, a majority said they found TV programs showing violence in real situations to be more interesting to them (50%) than programs showing violence in fictional situations (29%).

#### THE FUSION ON NEWS AND ENTERTAINMENT

The audience appeal of real violence reflects the popularity of "actuality" shows, where footage of real crime or emergency situations is seemingly captured as it is happening. These shows, such as "Cops," "Rescue 911" and "Top Cops," are enormously popular, particularly to young viewers. Just over one-third of the public (36%) reports watching these shows "regularly" with another 30% saying they watch "sometimes." While regular viewing of real life shows is less prevalent than viewing of local (76%) or network news (58%), the number report regularly viewing these shows is considerably higher than other staples of entertainment television, including: game shows (30%), crime drama shows about detectives and police (23%), shows such as "Current Affair" or "Hard Copy" (22%), talk shows (22%), and shows about celebrities such as "Entertainment Tonight" (12%).

The crime/emergency actuality shows have their strongest following among the less educated, racial minorities, the young and the poor. Fully 60% of blacks say they regularly watch these shows, compared to 33% of whites and 41% of Latinos. Regular viewership decreased with education from less than one-fifth of college graduates (18%), to one-third of those with some college education (34%), to 44% of those with less than a college education. The younger generation accounts for much of the audience of such shows. Just under half of women under 30 (47%) report regularly watching, as do 42% of men in the same age cohort. This compares to 37% of those between 30 and 49, and to just 29% of those 50 or older.

#### VIOLENCE VIEWERS AND THE NEWS

Opinion about the violent content of the news is substantially different among people who are the biggest consumers of violent entertainment—real life or otherwise. This audience segment, is comprised largely of young people, men and members of minority groups. Analytically, 45% of the Times Mirror sample was classified as heavy consumers of violent programming including: movies, reality tv, and fictional crime dramas.<sup>1</sup> Age, gender, and education all bear a relationship to how much violence a person watches. However, age appeared to be the highest demographic determinant of violence viewing. Seventy-four percent of the under 30's were in the heavy consuming category, 50% of the 30-49 year olds and only 20% of the 50 & older.

People who watch a lot of violent entertainment are less apt to say that news is preoccupied with violence and is exaggerating violence in society. They are also less prone to believe that televised violence is itself a cause of real life violence.

	Viewership of violent entertainment			
	Total	High	Average	Low
TV news too full of violence:				
Yes	52	47	55	60
No	44	51	42	33
Don't know	4	2	3	7
Total	100	100	100	100

	Viewership of violent entertainment			
	Total	High	Average	Low
Violence on TV shows harmful to society.				
Very Harmful	47	37	50	64
Somewhat harmful	33	34	36	24
Harmless	15	24	9	8
Don't know	5	5	5	4
Total	100	100	100	100
Violence on TV/movies a cause of breakdown in law and order:				
Major cause	39	27	45	59
Minor cause	39	43	39	27
Hardly a cause	18	27	13	7
Don't know	4	3	3	7
Total	100	100	100	100

<sup>1</sup>N=1,516.  
<sup>2</sup>N=678.  
<sup>3</sup>N=537.  
<sup>4</sup>N=301.

Reflecting the different attitudes of heavy viewers of violence, younger Americans show much more indifference to the violent content of the news and much less discontent with violence on television generally. While 85% of people 50 and older think there is too much violence in entertainment TV, only 57% of people under 30 subscribe to this view. Similarly, 49% of under 30's think that TV news pays too much attention to violent stories, but 63% of older people make that criticism of broadcasters.

	Age—		
	Under 30	30 to 49	50 plus
TV news too full of violence or not:			
Yes	48	50	58
No	51	47	36
Don't know	1	3	6
Total	100	100	100
Amount of violence portrayed on TV programs not including the news:			
Too much	57	69	85
Reasonable amount	39	28	12
Very little	3	1	2
Don't know	1	2	2
Total	100	100	100
TV news gives too much attention to stories about violent crimes, not enough attention or what:			
Too much attention	49	56	63
Not enough attention	18	12	9
Right amount	29	28	22
Don't know	4	4	6
Total	100	100	100
Violence on TV shows bothers you or not:			
Yes, bothers	48	61	65
No, does not bother	52	38	34
Don't know		1	1
Total	100	100	100
Violence on TV shows is harmful or harmless to society:			
Yes, is harmful	77	77	85
No, is harmless	19	17	11
Don't know	4	6	4
Total	100	100	100

#### NO PICTURES PLEASE

Perhaps most tellingly, the biggest difference between people who watch a lot of violent entertainment and those who do not, is the latter groups' desire to be sheltered from broadcasts containing graphic violence. Only 38% of frequent viewers of entertainment violence subscribe to the idea that "TV news should just tell us about violent news, but not show pictures of murder and war." However, 55% of people who infrequently watch reality crime shows and violent mov-

ies would like broadcasters to show fewer pictures. In the most extreme measure in the survey, 31% of frequent viewers of violent programming said they think that public executions should be televised. A fourth as many infrequent viewers (8%) want such public displays.

#### DESENSITIZATION OBSERVED

There is widespread acknowledgement that televised violence has a psychological impact on society. Fully 84% of Americans feel that stories about violence have made Americans more fearful than they were in the days before television, a number that is unchanged since 1983. What has changed, and in dramatic fashion, is the view that "television shows so much violence that people grow up not being shocked by violence." Two decades ago, just over half (53%) of the public agreed with this statement. Today, better than three-quarters (78%) say they believe the amount of violence seen on television has a desensitizing impact on society. The public's belief that society is becoming increasingly violent, coincides with its view that programming is significantly different from the past, and that television news exploits violent pictures and scenes. Fully 83% of the public said that television news now shows more violent and bloody scenes when covering crime than it did 10 years ago.

Moreover, Americans feel that scenes of violence on TV news are often shown simply for their shock value or to lure an audience. By a lop-sided margin of 73% to 20%, with the remainder expressing no opinion, most Americans feel graphic violence on television is shown "mainly to attract viewers" rather than because it is necessary "to tell the story." Three-quarters agree with the statement that "TV reports about crime are often shocking, but don't tell me anything new." A similar number (77%) believe that "TV news should run more stories about 'good news' and fewer stories about violence." Yet there is also a recognition that these "marketplace" forces, i.e., reality, have some basis in fact. Sixty-five percent agree that "TV news runs lots of crime stories because that's what people are interested in hearing about."

#### CHILDREN AND THE NEWS

There is a great deal of "occasional" viewing of the news among young children, and significant concern among parents over what their children are seeing. Just over half (54%) of parents with kids between the ages of 8 and 13 say that their children either regularly or sometimes watch the news. And most worry that their children may suffer harmful effects as a result of what they see. Over six-in-ten (62%) reported they are worried either "a great deal" or "a fair amount" that their child might be disturbed by what he or she watches on the news, with one-quarter of all parents expressing a great deal of concern. Women (74%) are significantly more likely to say they are worried than men (51%).

This concern over what children see on television news often causes parents to try to shield them. A majority (53%) reports having switched the channel or turned off the TV because there was something on the news they did not want their child to see. Women are again more likely to report doing this (64%) than men (42%). Asked why they last changed the channel or turned off the set, most said the reason was to prevent scenes of violence from being shown. Fully 72% report switching the set off to shield a child from violence, while 57% did so to prevent exposure to something of a sexual nature.

Additionally, 17% say they have changed channels or turned the set off to prevent exposure to bad language, and 11% to limit exposure to drug scenes.

While parents express concern over what their children see on the news, images from entertainment television have them much more alarmed. Far more said they worry about the amount of violence on fictional television (61%) than violence on the news and in "real life" programming (14%). Another 11% said they worry about both equally. Just 12% of parents with children between the ages of 8 and 13 said they do not worry about their child's exposure to violence on television.

#### VIOLENCE ON ENTERTAINMENT TELEVISION

The overwhelming view is that entertainment television is too violent. More than seven in 10 Americans (72%) say there is "too much violence" on non-news TV programs. Just one-in-four believes there is "a reasonable amount," with the remainder saying there is "very little violence" or offering no opinion. A national opinion poll taken in 1971 found virtually the same division among the public.

Reactions to TV violence also differ by gender and generation. Just under two-thirds of men (64%) say there is "too much violence," compared to four-fifths (79%) of women. Clear generational differences are also evident. Fifty-seven percent of those under 30 think entertainment TV is too violent compared to fully 85% of those over 50. While a majority of each age-sex grouping feels there is too much violence, this sentiment ranges from a bare majority of men between 18 and 29 (50%) to virtual unanimity among women over 50 (91%).

While the perceptions of excessive violence on entertainment television have not changed in ten years, more Americans are troubled by the TV violence now and more believe it has a poisonous effect on society, than a decade ago. The percentage of Americans who say they are personally "bothered" by "violence on TV shows" has increased from 44% to 59% between 1983 and 1993, with the number saying they are "bothered a great deal" up from 16% to 24%.

At the same time there has been a similar and significant rise in the percentage of citizens who feel that violence on TV is unhealthy for society as a whole. Where many (64%) felt violence on entertainment television was "harmful" to society in 1983, most (80%) do so now. Just 15% feel that violence on TV shows is "harmless" to society, with the remaining 5% expressing no opinion. The number describing violence on television as "very harmful" increased from one-quarter of the public (26%) to almost one-half (47%) during this same period. There has also been a significant increase in the degree to which the violence on TV and in movies is described as being either a major or minor cause of the breakdown of law and order in society between 1971 (66%) and now (78%). Almost four-in-ten believe television to be a major contributor to this societal ill.

#### TV ENTERTAINMENT—CONTINUING TO GET WORSE

By a huge margin of 64 to 27 percent, more Americans say that TV entertainment shows have become worse rather than better over the last five years. This negative view of entertainment TV is not new, however; exactly the same numbers were reported by an ABC News poll in February 1983. The twin complaints about entertainment TV in our current survey are that it has become worse because of excessive or graphic violence—men-



tioned by 38%, and too much or explicit sex—mentioned by one-third.

But the Times Mirror survey also found evidence that television is doing a relatively better job of satisfying its target audience—the 18-30 year old group that is most attractive to advertisers. Persons under 30 are evenly split over whether TV has improved or not. Forty-two percent said it has, 49% said it has not. By comparison, persons between 30 and 49 years of age are much more certain it has worsened—30% said better, 60% said worse. Among Americans over 50, the gap is cavernous only—13% said better, 79% said worse.

In addition, more women feel television has gotten worse rather than better (71% vs. 22%) than do men (56% vs. 33%). Clearly, men aged 18-29 have the most positive view of TV entertainment with 47% saying entertainment television has improved and 42% saying it has worsened.

While a substantial segment of the public believes entertainment television has deteriorated, a similarly large slice believes that television news has improved over a similar period. When asked about the national nightly news on ABC, CBS, NBC and CNN, far more said it has gotten "better" rather than worse, 69% to 14%, with the remainder saying it has stayed the same or expressing no opinion. Americans hold a similar view of local news, by a slightly lower margin, 60% to 18%, with the remainder expressing no preference.●

#### THE NEED FOR IMPROVED ANALYSIS OF CONVENTIONAL ARMS TRANSFERS

● Mr. MCCAIN. Mr. President, we all know that arms transfers are a two-edged sword. On the one hand, the right kind of transfers can bring stability to troubled countries and regions, deterring aggression, and giving peaceful states the strength they need for their security. Carefully structured arms transfer plans can reduce the need for outside peace keeping efforts, and reduce the burden placed on U.S. power projection forces.

On the other hand, the wrong kind of arms transfers feed aggression and instability. They turn local and ethnic quarrels into major wars, they give nations like Iran and Iraq the tools of intimidation, and they are turned against nations who seek peace and stability. We have seen this all too clearly in the case of Iran, after the fall of the Shah, and in the case of Iraq, which turned from defense to aggression.

The practical problem for American policy is to understand the difference between arms transfers that contribute to peace and serve our strategic interests, and arms transfers that threaten peace, and threaten our interests and those of our friends and allies.

We have recently tended to focus our attention on proliferation, which is the most threatening aspect of modern arms transfers. Proliferation, however, is only part of the problem. The hundreds of wars that have been fought since the end of World War II have been fought with conventional arms. In fact,

it is one of the ironies of modern warfare, that most of the killing in modern warfare has been done with small arms, and that the longest and bloodiest battles have not involved the use of advanced conventional weapons.

If we are to deal with conventional arms transfers, however, we must have a realistic data base. We must have facts that are both relevant and accurate, and it is this issue that I wish to address today.

Conventional arms transfers are currently evaluated in two ways. Experts evaluate them in terms of the impact of specific numbers and types of weapons and technologies, and their impact on the military balance in specific arms races or conflicts. They judge the stabilizing or destabilizing impact of transfers by detailed analytic comparisons that are relevant to the strategic issues at hand.

Such comparisons, however, do require considerable expertise and a great deal of knowledge about specific arms races. They force the analyst and the policy maker to deal with complex issues. As a result, the second method of analysis is more popular—particularly within the arms control community. This form of analysis is to look at broad comparisons of the dollar value of arms transfers—usually by region.

This method ignores the nature and impact of the arms involved, and whether they do or do not help maintain the peace or serve U.S. strategic interests. In most cases, it is used in studies which explicitly or tacitly assume that the dollar value of arms sales can be directly compared, and that the larger the sale, the worse the arms transfer. As a result, a relatively arcane and superficial measure has become critical to many policy discussions and studies.

The problems involved are often compounded by taking the dollar data involved out of context. Comparisons are made by broad geographic region that have nothing to do with the specific arms races involved. Further, data are used for periods that may or may not reflect a meaningful period for comparison. Quite often, the data are chosen to deliberately exaggerate the shock value of the comparison, with little regard for its actual political and military impact.

We would be far better off if we set arms transfer policy in terms of net assessments of the key arms races involved, and in terms of the impact of the specific weapons and technologies that make up a given arms transfer or pattern of transfers. We have nothing to gain from methods of analysis that are inherently shallow and superficial. We have nothing to gain from broad dollar comparisons that provide no picture of the military balance, or regional comparisons that treat Israel in the same way they treat Iraq, or South Korea in the same way they treat North Korea.

If we are to use dollar comparisons, we must at a minimum have dollar comparisons that are timely and accurate. We must have at least some confidence that the dollar data we use are directly comparable, that they are timely, that we know the methodology and sources involved, and that we have some way to relate them to the volume of weapons and technology involved.

Unfortunately, we have no such material today. While we get occasional data directly from the intelligence community, virtually all of the unclassified data used in our discussions of policy, legislation, and arms control come from two sources: The Arms Control and Disarmament Agency [ACDA] and the Stockholm International Peace Research Institute [SIPRI]. The ACDA data are usually taken from an annual report called "World Military Expenditures and Transfers." The SIPRI data are presented in an annual yearbook.

Virtually every press report, academic article, arms control analysis, or speech on conventional arms transfers that looks at regional patterns and arms transfer issues uses these documents. As a result, I have recently asked Richard F. Grimmett of the Congressional Research Service and my staff to examine these documents and their accuracy and value.

I believe that Mr. Grimmett's analysis is of great value, and would ask my colleagues to give it close attention. There are broader issues involved, however, which I feel need urgent attention by the new Director of ACDA.

The SIPRI data are gathered by a small staff with no intelligence support and which are forced to use educated guesswork in making most of their estimates. There is no practical way that their work can be improved or made authoritative.

In contrast, the authors of ACDA's "World Military Expenditures and Arms Transfers" can draw on the full resources of the U.S. Government and intelligence community. As a result, ACDA is the only organization which is capable of providing the kind of arms transfer data that we need in the Congress, and that is needed by arms control analysts throughout the world.

Unfortunately, ACDA's present reporting effort has many major flaws:

The reporting needs to be timely and cover current trends. ACDA has not given timely production of the document the proper priority. Further, largely as a vestige of the security precautions needed during the cold war, the data lag 1 to 2 years behind current trends and have many important omissions. There is an urgent need to treat this document with the urgency it needs, and to reexamine the validity of the security barriers that now limit its timeliness and relevance.

Virtually all of the reporting and analysis focuses on the total dollar value of arms transfers. There is only

one table that shows the patterns in actual weapons transfers, as distinguished from estimates of dollar value, and this table covers a 5-year period, lags 3 years behind the date of issue of the report, and receives no analysis or discussion in the overview section of the report.

The end result is to focus attention exclusively on dollar estimates—which grossly exaggerates the importance of U.S. arms sales. For example, if one looks at table III of the 1990 edition, the United States exported 18 percent of all arms to the developing world during 1985–89. If one looks at table V, the United States exported only 13 percent of all tanks, 7 percent of all field artillery, 8 percent of all armored personnel carriers, 5 percent of all surface-to-air missiles, no antiaircraft artillery, and 24 percent of all combat aircraft.

Improvements are needed in the analysis of actual weapons transfers. The limited data shown on weapons should be expanded to include the categories of weapons used by Richard F. Grimmett of the Congressional Research Service. Tables should be provided that show annual transfers over a 5-year period, and provide detailed transfer data on recipient countries—or at least selected recipient countries where transfers are having a major destabilizing effect: Iran, Iraq, Libya, North Korea, Syria, et cetera. We also should include such data in the overview analysis with suitable tables and graphs.

Analyses and tables should be provided which focus on local arms races, rather than simply on regions. With the exception of one report on the Iran-Iraq arms race, there has been no effort to come to grips with the pattern of weapons flows in key arms races like the Koreans, India-Pakistan, Arab-Israeli, Persian Gulf, et cetera. One side effect of this failure is that no report has ever called attention to the fact that U.S. arms sales have gone largely to defending of stable countries while foreign arms sales have dominated the buildup of aggressor or destabilizing states.

A comprehensive review is needed of the accuracy and comparability of the dollar cost data reported on the arms agreements and deliveries of United States, European countries, Communist countries, and emerging countries. Many experts feel that there are longstanding problems in estimating the comparable cost and overall cost of Communist country arms sales, and in ensuring that our estimates of U.S. arms transfers and agreements are directly comparable to those of other free market states.

There are strong indications that the current reporting system exaggerates the relative value of actual U.S. arms transfers, and includes a substantial amount of services for the United States that is not included for other

countries. An interagency task group should be set up to examine this issue, and the results of its work should be included in next year's report. Each table should regularly be footnoted to warn the reader of problems in accuracy and comparability.

A more realistic definition is needed of the regions used for reporting. The end of the cold war and the breakup of the Warsaw Pact makes the current regional totals moot. We should divide Africa into North Africa and Sub-Saharan Africa to reflect basic regional realities. Some breakout is needed to show the difference between Northeast and Southeast Asia. The Near East fails to distinguish between the gulf and Arab-Israeli confrontation states plus Egypt, which is a much more reasonable set of categories for analysis. ACDA should distinguish between Russia and the other former Soviet republics. Europe should be restructured to report on NATO Europe, Central Europe, and a definition of Other Europe that places Yugoslavia and Albania in Central Europe.

The tables on seller countries needs to be expanded to cover two pages to include all of the world's major arms sellers by country. ACDA should consistently report the arms transfer activities of all major NATO European, Central European, Asian, and Latin American exporters by country. It is particularly important that seller nations like Germany, Italy, Poland, Czechoslovakia, North Korea, Brazil, et cetera, be reported upon.

Careful review is needed of the country data provided in the document. There are some trivial problems like the failure to report new countries like Djibouti, but more serious problems where gaps are left in estimates for key countries like Iran and Iraq—although such data are reported by the CRS—and trend lines reflect a consistency in dollar cost that does not reflect the pattern of actual weapons transfers, a common problem for many smaller developing countries.

Sections need to be added on proliferation: At present, no analysis is made of the expenditures of proliferating countries on missiles and weapons of mass destruction. There should be overview tables on the state of the biological, chemical, nuclear, and missile developments in proliferating countries, and which show main supplier countries.

I have already written the Director of ACDA to ask that these improvements be made, and the Director of the CBO to point out how oversimplified use of dollar cost data can affect a major analysis of conventional arms transfers. I hope that you will join me in urging such improvements in both the reporting provided by ACDA and in the overall quality of the analysis of conventional arms transfers.

We cannot hope to properly regulate and legislate such transfers unless we

have improved data and analysis. We cannot have an informed public debate or resolve the tradeoffs between risk and improved security. This is one of the key emerging security issues of the post-cold-war era, and we must be far better prepared to deal with it than we are today.

Mr. President, I respectfully request that Mr. Grimmett's analysis and my letters to the Director of ACDA and the Director of the CBO be included in the RECORD at the end of my remarks.

The material follows:

NOVEMBER 11, 1992.

ROBERT D. REISCHAUER,  
Director, Congressional Budget Office, Washington, DC.

DEAR MR. REISCHAUER: I have recently reviewed the CBO study entitled "Limiting Conventional Arms Exports to the Middle East". I believe that this is a useful study, but it also raises issues regarding data and methodology which I believe need further study.

A Methodology Which Fails to Address the Nature of Regional Arms Races and U.S. and Regional Strategic Interests:

The first, and most general, problem raised by the study is that it treats the Middle East as a region, and all buyers and suppliers as part of a common pool. No effort is made to examine the dynamics of the individual arms races shaping the region, although one figure (Figure 4) does at least hint at the fact that the Arab-Israel and Persian Gulf arms races are very different.

As a result, no analysis is made of the motives and actions of given suppliers. No analysis is made of who is driving the arms race, or of what mix of continued supply and arms control might stabilize a given arms race, or bring added stability to the Middle East. Radical states like Iran, Iraq, and Libya are lumped together with Israel, Egypt, and Saudi Arabia.

Further, no effort is made to analyze U.S. strategic interests in the region, or the extent to which arms sales do or do not contribute to those interests. No effort is made to examine the strategic or economic tradeoffs between a need for U.S. military presence, strengthening friendly states through arms transfers, and arms control.

The work done in Appendix B suggests some methodologies that could be used to deal with quantifying these issues, but I am disturbed at the lack of scope in the analysis as it currently stands. It fails to meet what I regard as a basic criteria for analysis: Examining all of the issues to be addressed, and examining whether the model used for analysis excludes so many variables that it severely limits the value of the results. A valid arms control analysis cannot axiomatically assume that U.S. or regional strategic needs can be met simply by examining options for region wide constraints on arms sales.

The Report Relies on Highly Uncertain Dollar Cost Data Whose Accuracy and Comparability Are Questionable:

Virtually all of the reporting and analysis focuses on the total dollar value of arms transfers. The only figures and tables that show the patterns in actual weapons transfers, as distinguished from estimates of dollar value, lump together all transfers from the major suppliers. (Summary Table 1, Table 1, and Table 4)

The end result is to focus attention exclusively on dollar estimates—which grossly exaggerates the importance of U.S. arms sales.



The way the CBO presents its figures makes this difficult to illustrate. However, if one looks at Table III of the 1990 edition of *World Military Expenditures and Arms Transfers*, the figures in that document show that the U.S. exported 18% of all arms to the developing world during 1985-1989. In contrast, if one looks at Table V, the U.S. exported only 13% of all tanks, 7% of all field artillery, 8% of all armored personnel carriers, 5% of all surface to air missiles, zero percent of all anti-aircraft artillery, and 24% of all combat aircraft.

If we are to understand the impact of U.S. arms transfers on the region, and the trade-offs between arms transfers and arms control, we must look at weapons transfers and the impact of such transfers, on the individual arms races that drive the military balance in the region.

We need analysis of actual weapons transfers. These should include expanding the categories of weapons to include those used by Richard F. Grimmett of the Congressional Research Service, providing tables that show annual transfers over a five year period, and provide detailed transfer data on recipient countries—or at least selected recipient countries where transfers are having a major destabilizing effect: Iran, Iraq, Libya, North Korea, Syria, etc. We also should include such data in the overview analysis with suitable tables and graphs.

We also need analysis which focuses on local arms races, rather than simply on regions. No effort is made to come to grips with the pattern of weapons flows in key arms races like the Arab-Israeli, Persian Gulf, Morocco-Polisario, Sudanese arms race, etc. One side effort of this failure is that no attention is called to the fact that U.S. arms sales have gone largely to defending or stable countries while foreign arms sales have dominated the build-up of aggressor or destabilizing states.

While I am familiar with the argument that such analysis is difficult for security reasons, I know of no valid reason for this argument, and would point out that the U.S. intelligence community provides an annual scrub of the IISS Military Balance which provides far more detail on weapons transfers by number and type.

We need a comprehensive review of the accuracy and comparability of the dollar cost data reported on the arms agreements and deliveries of United States, European countries, Communist countries and emerging countries:

Anyone familiar with the problems in costing Soviet defense expenditure is aware that we have long had severe problems with estimating the comparable cost and overall cost of communist country arms sales, and in ensuring that our estimates of U.S. arms transfers and agreements are directly comparable to those of other free market states.

There are strong indications that the current reporting system exaggerates the relative value of actual U.S. arms transfers, and includes a substantial amount of services for the U.S. that are not included for other countries.

You touch upon the edges of this issue in Appendix A, but only to the extent you analyze the different definitions of data used by various sources, and broad questions about uncertainty. You do not examine whether there are statistically valid reasons that allow direct comparison between the data on U.S., other free market economies, and communist country sales. You do not attempt to examine the uncertainties involved. To me, explicit analysis of the uncertainty in the

input data is a critical part of any complex analysis.

#### Improving Future Studies:

If I may summarize my reaction to the CBO study, I believe that it reflects an unconscious bias common to many studies of the arms transfer problem. It assumes that it is the sheer volume of arms transfers to a region that must be reduced, and does not examine the real world choices that must be faced by the new Administration and the U.S. Congress.

In an era of major defense cuts, we must find ways of making explicit trade-offs between general efforts at arms control, arms control efforts targeted against given countries (particularly destabilizing or radical states), using arms transfers to aid friendly or threatened countries, using arms transfers to aid U.S. deployments or create inter-operable region forces, and funding U.S. power projection capabilities. Ignoring these realities is simply not an adequate basis for dealing with the realities we face in the Middle East or any other region.

Sincerely,

JOHN MCCAIN,  
U.S. Senator.

NOVEMBER 10, 1992.

Hon. RON LEHMAN,  
Director, Arms Control and Disarmament Agency, Washington, DC.

DEAR RON: I am deeply concerned with the timeliness and content of *World Military Expenditures and Arms Transfers*. This document has become a key reference for many analysts of arms transfers and arms control options, but it has long standing weaknesses which severely, if not fatally, compromise its value and the value of any analysis based upon it.

To be specific, I believe that a clear plan is needed to make the following changes in the document:

Virtually all of the reporting and analysis focuses on the total dollar value of arms transfers. There is only one table that shows the patterns in actual weapons transfers, as distinguished from estimates of dollar value, and this table covers a five year period, lags three years behind the date of issue of the report, and receives no analysis or discussion in the overview section of the report.

The end result is to focus attention exclusively on dollar estimates—which grossly exaggerates the importance of U.S. arms sales. For example, if one looks at Table III of the 1990 edition, the U.S. exported 18% of all arms to the developing world during 1985-1989. If one looks at Table V, the U.S. exported only 13% of all tanks, 7% of all field artillery, 8% of all armored personnel carriers, 5% of all surface to air missiles, no anti-aircraft artillery, and 24% of all combat aircraft.

We need major improvements in the analysis of actual weapons transfers. These should include expanding the categories of weapons to include those used by Richard F. Grimmett of the Congressional Research Service, providing tables that show annual transfers over a five year period, and provide detailed transfer data on recipient countries—or at least selected recipient countries where transfers are having a major destabilizing effect: Iran, Iraq, Libya, North Korea, Syria, etc. We also should include such data in the overview analysis with suitable tables and graphs.

While I am familiar with the argument that this is difficult for security reasons, I know of no valid reason for this argument, and would point out that the U.S. intel-

ligence community provides an annual scrub of the IISS Military Balance which provides far more detail on weapons transfers by number and type.

We need analyses which focus on local arms races, rather than simply on regions. With the exception of one report on the Iran-Iraq arms race, there has been no effort to come to grips with the pattern of weapons flows in key arms races like the Koreas, India-Pakistan, Arab-Israeli, Persian Gulf, etc. One side effect of this failure is that no report has ever called attention to the fact that U.S. arms sales have gone largely to defending or stable countries while foreign arms sales have dominated the build-up of aggressor or destabilizing states.

We need a comprehensive review of the accuracy and comparability of the dollar cost data reported on the arms agreements and deliveries of U.S., European countries, communist countries and emerging countries. We have long had severe problems with estimating the comparable cost and overall cost of communist country arms sales, and in ensuring that our estimates of U.S. arms transfers and agreements are directly comparable to those of other free market states.

There are strong indications that the current reporting system exaggerates the relative value of actual U.S. arms transfers, and includes a substantial amount of services for the U.S. that is not included for other countries. An interagency task group should be set up to examine this issue, and the results of its work should be included in next year's report. Each table should regularly be footnoted to warn the reader of problems in accuracy and comparability.

We need to use a more realistic definition of the regions used for reporting. The end of the Cold War and the break up of the Warsaw Pact makes the current regional totals moot. We should divide Africa into North Africa and Sub-Saharan Africa to reflect basic regional realities. Some break out is needed to show the difference between Northeast and Southeast Asia. The Near East fails to distinguish between the Gulf and Arab-Israeli confrontation states plus Egypt, which is much more reasonable set of categories for analysis. We need to distinguish between Russia and the other former Soviet republics. Europe should be restructured to report on NATO Europe, Central Europe, and a definition of "Other Europe" that places Yugoslavia and Albania in Central Europe.

The list of seller countries shown in Table III and Table V needs to be expanded to cover two pages to include all of the world's major arms sellers by country. We should consistently report the arms transfer activities of all major NATO European, Central European, Asian and Latin American exporters by country. It is particularly important that seller nations like Germany, Italy, Poland, Czechoslovakia, North Korea, Brazil, etc. be reported upon.

Careful review is needed of the country data provided in the document: There are some trivial problems like the failure to report new countries like Djibouti, but more serious problems where gaps are left in estimates for key countries like Iran and Iraq—although such data are reported by the CRS—and trend lines reflect a consistency in dollar cost that does not reflect the pattern of actual weapons transfers (a common problem for many smaller developing countries).

Sections need to be added on proliferation: At present, no analysis is made of the expenditures of proliferating countries on missiles and weapons of mass destruction. There should be overview tables on the state of the

biological, chemical, nuclear, and missile developments in proliferating countries, and which show main supplier countries.

I would be grateful for your detailed views on these suggestions, and on the steps being taken to improve this critical document.

Sincerely,

JOHN MCCAIN,  
U.S. Senator.

CONGRESSIONAL RESEARCH SERVICE,  
Washington, DC, March 30, 1993.

To: Honorable John McCain.

Attention: Anthony H. Cordesman.

From: Richard F. Grimmett, Specialist in  
National Defense, Foreign Affairs and  
National Defense Division.

Subject: Considerations regarding use of  
arms sales data.

This memorandum responds to your request for a review of key considerations involved in using published data on conventional arms sales—in particular, the use of dollar cost data. To this end, we examined key published sources of data on the conventional arms trade.<sup>1</sup>

This examination revealed that many of these sources provided comparisons and analytical commentaries based on dollar cost data. While these dollar cost data can be useful in assessing broad, general trends in international arms sales, analyses based totally on such data exclude other information which could be quite useful in providing a context for the arms sales activity under discussion. Dollar data alone on arms sales will not, for example, provide clear indices of the level of technology involved in a weapon sale; they will not give details regarding the specific type and category of the weapon sold. Such information, if available, is likely to be of greater significance for analytical purposes than merely the total dollar value of the sale, because it is the weapon itself that confers military capability, not its price. At the same time, the actual dollar value data for an arms sale, if not detailed in nature, may obscure whether or not a sale includes only major weapons systems or also includes costly services and spare parts associated with the weapons. This information is also useful for determining the quantity of major systems sold in contrast to the level of support items. Whether or not the dollar values of arms sales are based primarily on press accounts or on official government sources can also lead to significant variations in data totals and, thus, conclusions reached regarding the nature of the international arms trade.

Bearing these key factors in mind, what follows is a review of and commentary on the arms sales data published by the Stockholm International Peace Research Institute (SIPRI), a non-governmental research organization, and arms sales data published by the U.S. Arms Control and Disarmament Agency (ACDA). Through this review we set out the various strengths and weaknesses of two representative data sources on arms sales. To further illustrate certain points raised by this examination of SIPRI and ACDA data, an analysis of U.S. arms sales data provided to Congress in unclassified form

mal notifications for calendar years 1991 and 1992 is also made.

#### SIPRI ARMS SALES DATA: BASIC ELEMENTS

SIPRI arms sales data, published annually in a systematic format, are based on open source information. SIPRI's coverage of nations buying and selling arms is global in nature. SIPRI limits its dollar based data to deliveries of specific categories of major conventional weapons systems. SIPRI does not generally include data on small arms, ammunition, military support items and services in its publications. In a separate weapons data set, SIPRI lists and describes specific weapons it concludes were actually transferred from one country to another. To the extent possible, these data include the quantity, type, specific model of weapons that were reportedly transferred.<sup>2</sup> SIPRI notes that such published information "cannot provide a comprehensive picture because the arms trade is not fully reported in the open literature," that only partial information is provided in published reports, and "substantial disagreement" is common among such reports. Thus, SIPRI must exercise judgment in compiling its arms data and make estimates where insufficient data exist. SIPRI estimates what it believes are the "average production costs of weapons" based upon publicly available cost data for weapons systems and uses those costs to establish the value of weapons delivered. SIPRI's dollar values in its data sets, therefore, are not "actual prices of weapons that have been paid in a particular deal."<sup>3</sup>

#### ACDA ARMS SALES DATA: BASIC ELEMENTS

The U.S. Arms Control and Disarmament Research Agency (ACDA), periodically publishes a volume titled *World Military Expenditures and Arms Transfers (WMEAT)*.<sup>4</sup> It is global in its coverage. The dollar based arms sales data provided by ACDA report both imports and exports of conventional military equipment, "including weapons of war, parts thereof, ammunition, support equipment, and other commodities designed for military use." ACDA data for U.S. arms exports are for fiscal years not calendar years. ACDA data also include U.S. licensed commercial deliveries. ACDA excludes from its data United States arms sales figures for military services such as military construction, technical support and training, while including them for foreign arms suppliers. When the primary mission of dual use equipment is military, it is included in the totals. Data on countries other than the United States "are estimates by U.S. Government sources." United States arms sales data are provided for various sets of fiscal years and come from official United States data compiled routinely by the Departments of Defense and State.<sup>5</sup>

WMEAT provides a table listing the dollar value of arms imports and arms exports of most countries of the world for the most recent ten years covered by the volume. It provides a table giving the dollar values of agreements and deliveries of arms to regions of the world by selected supplying nations

and supplier nation groupings during these same ten years. It also provides a table listing, for the most recent five-year period used in the volume, the dollar value of arms delivered to most countries in the world from the top six leading suppliers and six other regional supplier nation groupings—such as all Middle East suppliers as a group. ACDA, in addition, publishes another table providing the estimated number of arms actually delivered to specific regions, for the most recent five-year period used in the volume, by five leading arms suppliers and four other groupings of supplying countries. In this latter table, ACDA provides estimated totals of actual deliveries for 13 separate categories of major weapons systems.<sup>6</sup>

#### UTILITY AND LIMITATIONS OF SIPRI AND ACDA ARMS SALES DATA

SIPRI and ACDA dollar based data on arms sales have both utility and limitations. SIPRI's figures are limited to the data it can obtain from open sources. As a non-governmental organization, SIPRI lacks the resources a government could provide to help verify the accuracy of the data it collects. By contrast, ACDA, as an agency of the United States Government, has access to government information resources that are notably more comprehensive than those data published in open source literature. Of course governments cannot guarantee that they will be able to verify all details of foreign arms sales, especially those of other governments that take great pains to keep them secret. Nevertheless, governments—given the resources they can bring to bear—are more capable of verifying information about the transfers of major weapons systems, and thus are in a better position to compile a more accurate data base on the cost and nature of arms transactions than are private research organizations.

However, if one seeks public information on specific foreign arms sales, indicating equipment type and numbers delivered by individual nations to other specific nations in a single year, SIPRI yearbooks are useful resources—subject to the methodological and source limitations noted above. In this regard, SIPRI data provide certain advantages over ACDA information. ACDA WMEAT volumes, for example, do not provide these data for any single year, or even for a number of years aggregated into one total. The WMEAT report provides the dollar value of arms delivered by a select list of suppliers and suppliers groupings to individual countries throughout the world during a five year period; and they provide delivery data on certain specific weapons systems categories to various regions of the world by selected suppliers and supplier groupings. But ACDA volumes do not provide detailed annual data

<sup>6</sup> ACDA's WMEAT volume provides weapons delivery data on tanks, anti-air artillery, field artillery, armored personnel carriers, major surface combatants, other surface combatants, submarines, missile attack boats, supersonic and subsonic combat aircraft, other aircraft, helicopters, and surface-to-air missiles. Another yearly U.S. Government report gives unclassified annual dollar value estimates of arms sales agreements and arms deliveries to the Third World by major supplying nations and supplying nations groupings. It does not provide country to country transfer data. It does indicate, however, the top 10 purchasers of weapons in the Third World and the top 11 suppliers of weapons to the Third World, based on U.S. Government estimates of the dollar value of arms agreements and arms deliveries made in a given year or series of years. See Richard F. Grimmett, *Conventional Arms Transfers to the Third World, 1984-1991* CRS Report for Congress 92-577F, July 20, 1992. Congressional Research Service, Library of Congress.

<sup>1</sup> The key data sources on the worldwide conventional arms trade are yearbooks published by the Stockholm International Peace Research Institute (SIPRI), and periodic volumes produced by the U.S. Arms Control and Disarmament Agency (ACDA), titled *World Military Expenditures and Arms Transfers*. Varying types of data on the conventional weapons trade are published routinely in several defense trade periodicals, and from time to time in major newspapers and magazines.

<sup>2</sup> Stockholm International Peace Research Institute (SIPRI), *SIPRI Yearbook 1992: World Armaments and Disarmament*, London: Oxford University Press, 1992, p. 353-359. This volume contains arms transfer data for the years 1982-1991.

<sup>3</sup> Ibid.

<sup>4</sup> As of early 1993, the latest edition of this volume was *World Military Expenditures and Arms Transfers 1990*. U.S. Arms Control and Disarmament Agency, Washington, U.S. Gov't Printing Office, 1991. The volume generally provides data for the period 1979-1989.

<sup>5</sup> Ibid., p. 31-32.



on country to country arms transfers, either in terms of dollars or in terms of specific weapons systems.

A further limitation shared by each publication is that neither SIPRI nor ACDA provide a clear indication of how current their dollar based data may be. ACDA, in recent years, has released its report from one to two years later than the most recent data contained within it. SIPRI has been more punctual in releasing its annual volume covering the weapons trade, but is captive to the timeliness of the open source data it utilizes. Thus, one or both of these organizations may be publishing some data that—while collected and reported in a consistent manner—may not be up to date, thereby potentially overstating or understating the actual levels of arms sales.

#### DATA ON PROSPECTIVE MAJOR UNITED STATES ARMS SALES

Congress receives, through the statutory arms sales process, a formal notification of all prospective U.S. government-to-government, and commercially licensed arms sales whose estimated case values is \$14 million or more—for sales of major defense equipment (MDE)—or \$50 million or more—for sales of defense articles or defense services. These data exclude U.S. covert transfers such as those reportedly made in the past to Afghan, Angolan and Nicaraguan resistance groups. These formal arms sales notifications to Congress provide key details on major arms sales in a systematic manner not matched by any other country in the world. Were every other arms selling country to publish comparable data on all their major arms sales, it would be possible to have a much more comprehensive view of the world's arms market and the precise role of every nation in it.

The data contained in the statutory notifications to Congress include the name of the purchasing country, the specific weapon or weapons purchased, including numbers purchased, model or type purchased, and the estimated case value of the proposed sale—indicating not only the total estimated dollar value of the proposed sale, but the estimated dollar value of major defense equipment (MDE) in the sale, as well as the estimated dollar value of other items in the sale, such as services, logistical support and training.

These data provide perspective regarding the overall dollar values of United States arms sales, by making a clear distinction between the value of major defense equipment to be sold—such as tanks, aircraft and missiles—in contrast to the value of other support equipment, spare parts, and services to be sold.

#### CONTENT OF PROSPECTIVE MAJOR UNITED STATES ARMS SALES COMPARED

A review of the total estimated case values of major U.S. government-to-government arms sales proposals notified to Congress from January 1991 through mid-March 1993 shows that, during this period, the United States proposed to sell \$49.5 billion in weapons, defense articles and defense services to the entire world. (See the appendix attached to this memorandum for a detailed summary of these notifications.)<sup>7</sup> Of this total, \$26.6 billion (53.7 percent) constituted proposed sales of major defense equipment (MDE), while \$22.9 billion (46.3 percent) constituted proposed sales of other defense articles, services and support. For the Near East region, during this same time period, the United States proposed to sell \$26.36 billion in weapons, defense articles and defense services—or 53.2 percent of all proposed major arms sales by the U.S. to the world. Of the total for the Near East region, nearly \$12.4 billion constituted major defense equipment (MDE) (about 47 percent), while \$13.98 billion (53 percent) constituted defense articles, services and support.<sup>8</sup>

These dollar cost data on United States arms sales notifications demonstrate that total dollar values, if not provided in detail, will not show whether major weapons systems, as opposed to services or parts for weapons systems, are included in a given arms sale proposal. This is important to note, for using aggregated dollar values alone to characterize the nature of an arms sales proposal or a buyer/client relationship can be very misleading. The dollar values only give a broad overview of activity between arms suppliers and buyers. The dollar values can show general trends in seller/buyer relationships. One must look to other data, such as totals of major weapons systems actually delivered, the characteristics of such equipment—its level of technological sophistication and capabilities—and the ab-

sorptive capacity of the recipient nation, to gain insight into the military capabilities conferred by any given arms sale, or series of arms sales.

Sources such as SIPRI's yearbooks and ACDA's WMEAT volumes do provide estimates regarding deliveries of specific major weapons systems. Yet both sources have the same limitations in this data area as they do for their dollar based data—the limited utility of SIPRI's open sources, and the lack of annual supplier-to-buyer data in ACDA's WMEAT. SIPRI does provide its estimates of actual numbers, types and classes of major weapons systems transferred annually from one country to another, based on published sources. ACDA provides totals of major weapons categories delivered to regions of the world over a five-year period, without giving specific details regarding either the major weapons transferred or the particular recipients. ACDA's data, however, are based on United States Government sources, not merely open source literature.<sup>9</sup>

In summary, apart from the notifications on prospective United States foreign arms sales provided by law to the Congress, there is no systematic and comprehensive public source of detailed data on the international arms trade. The available public data have clear limitations regarding scope and/or degree of accuracy. Publicly available details on individual arms sales cases can vary widely, depending on which nations are involved in the transactions, and their individual approaches to release of arms sales information. The fact that information on arms sales is published in a reputable periodical or newspaper is no guarantee that that information is complete or accurate in its particulars. Furthermore, since many major arms selling nations do not systematically publish or comment on their arms sales activities—and in some cases make strong efforts to keep such data from public view—there is no guarantee that government data on the foreign arms trade can be complete and accurate in every case, despite efforts to make it so. Published arms sales data, then, should be used with caution, with due regard for its limitations whether it is dollar based or not, and whether it is non-governmental or governmental in nature.

#### APPENDIX—MAJOR U.S. ARMS SALES NOTIFIED TO CONGRESS IN CALENDAR YEARS 1991 AND 1992

[Pursuant to section 36(b) of the Arms Export Control Act]

Date submitted, transmittal number, and purchaser	Principal items	Total estimated case value
<b>1991</b>		
1/7/91, 91-12, CCNAA (Taiwan)	100 MK-46 torpedoes and support	\$28 million (\$24 m. MDE; \$4 m. other). <sup>1</sup>
1/8/91, 91-13, Singapore	30 HARPOON missiles and support	\$60 million (\$48 m. MDE; \$12 m. other).
2/28/91, 91-05, Egypt	46 F-16C/D aircraft; spare parts; bombs; missiles and support	\$1.6 billion (\$900 m. MDE; \$700 m. other).
3/22/91, 91-15, Saudi Arabia	Military support services by U.S. Army	\$158 million (\$0 m. MDE; \$158 m. other).
3/22/91, 91-16, Saudi Arabia	Logistical support costs for spare and repair parts for military equipment (Army)	\$461 million (\$0 m. MDE; \$461 m. other).
3/22/91, 91-17, Saudi Arabia	Logistical support costs for spare parts for military equipment (Air Force)	\$300 million (\$0 m. MDE; \$300 m. other).
3/22/91, 91-18, Israel	1 PATRIOT missile fire unit; 8 launchers and 64 PATRIOT missiles, spares and support	\$150 million (\$130 m. MDE; \$20 m. other).
4/24/91, 91-20, Turkey	150 STINGER RMP missile systems; 319 STINGER RMP missiles, spares and support	\$33 million (\$22 m. MDE; \$11 m. other).
4/25/91, 91-19, Turkey	100 AGM-88 HARM missiles, spares and support	\$29 million (\$27 m. MDE; \$2 m. other).
6/6/91, 91-22, Greece	24 HARPOON missiles and support	\$38 million (\$35 m. MDE; \$3 m. other).
6/11/91, 91-03, United Arab Emirates	20 AH-64 APACHE helicopters; 620 HELFHIRE missiles; spare parts and related equipment	\$682 million (\$347 m. MDE; \$335 m. other).
6/18/91, 91-24, NATO Consortium	950 SPARROW missiles (RIM-7M and RIM 7P configurations) and related equipment	\$278 million (\$256 m. MDE; \$22 m. other).
6/18/91, 91-29, Australia	U.S. Government and contractor technical support relating to development, modification and flight testing of aircraft	\$90 million (\$50 m. MDE; \$40 m. other).
7/8/91, 91-30, Greece	200 nonstandard tank fire-control systems, spare parts and support	\$176 million (\$0 m. MDE; \$176 m. other).

<sup>7</sup> Data taken from official, unclassified, Department of Defense arms sales notifications to Congress submitted pursuant to section 36(b) of the Arms Export Control Act (AECA). It is important to note that statutory arms sales notifications to Congress are proposals to sell; they are not completed contracts between the United States Government and the foreign government for the purchase of the items specified at the price estimated. Once an arms sale proposal clears Congressional review under the AECA the President is then authorized to conclude the arms sale he has proposed. However, foreign governments are free to decline to make a purchase or

to purchase fewer items. The fact that a formal notification of a proposed arms sales has been made to Congress does not mean that the specific arms sale will actually result, or that the estimated dollar value given in the notification will be the final contract price for the sale, if it is consummated.

<sup>8</sup> The Near East region includes all countries along the southern and eastern Mediterranean Sea from Morocco eastward to Syria, (including Jordan) and all nations on the Arabian Peninsula or bordering the Persian Gulf (including Iraq).

<sup>9</sup> For detailed estimates and descriptions of the weapons systems in the inventories of nearly every

nation in the world, a standard, unclassified, annually revised source is *The Military Balance* prepared by the International Institute for Strategic Studies, in London, England. For delivery data of 14 major categories of weapons systems by major arms suppliers and supplier groupings to the *Third World* and its regions during recent four year periods see Richard F. Grimmett, *Conventional Arms Transfers to the Third World, 1984-1991*. CRS Report for Congress, 92-577F, July 20, 1992. Congressional Research Service, Library of Congress.

## APPENDIX—MAJOR U.S. ARMS SALES NOTIFIED TO CONGRESS IN CALENDAR YEARS 1991 AND 1992—Continued

(Pursuant to section 36(b) of the Arms Export Control Act)

Date submitted, transmittal number, and purchaser	Principal items	Total estimated case value
7/8/91, 91-37, South Korea	Sale, co-assembly, and licensed production of 120 F-16C/D aircraft with spares, support and training	\$2.52 million (\$176 b. MDE; \$760 m. other).
7/10/91, 91-31, Saudi Arabia	2,300 High Mobility, Multi-Purpose Wheeled Vehicles (HMMWV) with support, spares and training	\$123 million (\$114 m. MDE; \$9 m. other).
7/10/91, 91-32, Saudi Arabia	Contractor support services for E-3A AWACS and KE-3 aerial tanker aircraft	\$350 million (\$0 m. MDE; \$350 m. other).
7/15/91, 91-38, Spain	6 SH-60B ASW helicopters, with spares and support	\$251 million (\$176 m. MDE; \$75 m. other).
7/15/91, 91-39, Italy	3 AV-8B HARRIER aircraft, spares and support	\$177 million (\$88 m. MDE; \$89 m. other).
7/17/91, 91-27, Japan	One AEGIS combat system, including various sea/airborne weapons systems, spares and support	\$548 million (\$299 m. MDE; \$249 m. other).
7/17/91, 91-28, Japan	13 HARPOON missiles, spares and support	\$30 million (\$28 m. MDE; \$2 m. other).
7/19/91, 91-33, Morocco	Limited refurbishment of 20 excess F-16 A/B aircraft, new engines, spares and support	\$250 million (\$105 m. MDE; \$145 m. other).
7/19/91, 91-34, Oman	119 V-300 COMMANDO armored vehicles, with spares and support	\$150 million (\$0 m. MDE; \$150 m. other).
7/19/91, 91-35, Egypt	Modification kits for 12 HAWK missile battery support systems, with spares and support	\$146 million (\$0 m. MDE; \$146 m. other).
7/19/91, 91-36, Brazil	12 AAVT Amphibious Assault Vehicles, with equipment, spares and support	\$34 million (\$29 m. MDE; \$5 m. other).
7/23/91, 91-43, Turkey	80 F-16C/D aircraft, spare engines, spare parts and support	\$2.8 billion (\$2.3 b. MDE; \$500 m. other).
7/24/91, 91-40, CCNAA (Taiwan)	97 STANDARD missiles SM-1, spares and support	\$55 million (\$47 m. MDE; \$8 m. other).
7/24/91, 91-41, Saudi Arabia	2000 MK-84 bombs; 2,100 CBU-87 cluster munitions; 770 A/M-7M SPARROW missiles, laser guided bomb components, spares and support	\$365 million (\$264 m. MDE; \$101 m. other).
7/29/91, 91-42, Greece	Logistical support services for reactivation and transfer by lease of 4 Guided Missile destroyers from the U.S. Navy	\$91 million (\$0 m. MDE; \$91 m. other).
9/13/91, 91-47, CCNAA (Taiwan)	110 M60A3 tanks, and overhaul of the tanks, with spares and support	\$119 million (\$65 m. MDE; \$54 m. other).
9/13/91, 91-48, Egypt	Communications equipment, facility construction, spare parts and support	\$70 million (\$0 m. MDE; \$70 m. other).
9/17/91, 91-49, Kuwait	Engineering and other services to reconstruct and restore two military air bases	\$350 million (\$0 m. MDE; \$350 m. other).
9/17/91, 91-50, South Korea	179 AIM-7M SPARROW missiles, with spares and support	\$31 million (\$27 m. MDE; \$4 m. other).
9/17/91, 91-51, Thailand	18 F-16A/B aircraft with spares and support	\$547 million (\$491 m. MDE; \$56 m. other).
9/17/91, 91-52, South Korea	Purchase of various aircraft spare parts	\$86 million (\$0 m. MDE; \$86 m. other).
9/18/91, 91-53, Spain	150 STANDARD SM-1 missiles and support	\$88 million (\$68 m. MDE; \$20 m. other).
9/18/91, 91-45, Greece	Rework and overhaul of 36 A-7/TA-7 excess aircraft, spares and support	\$120 million (\$0 m. MDE; \$120 m. other).
9/18/91, 91-46, Turkey	Purchase of spare parts for various aircraft and support	\$70 million (\$0 m. MDE; \$70 m. other).
10/28/91, 92-02, Japan	24 STANDARD missiles, spares and support	\$20 million (\$17 m. MDE; \$3 m. other).
10/30/91, 92-07, Germany	175 AIM-120 AMRAAM missiles, spares and support	\$81 million (\$72 m. MDE; \$9 m. other).
10/31/91, 92-03, Japan	2 Ocean Surveillance Information Systems (OSIS) with spares and support	\$40 million (\$19 m. MDE; \$21 m. other).
10/31/91, 92-05, Greece	Various naval weapons systems, including 16 HARPOON missiles; 64 STANDARD missiles; 56 MK 46 MOD5 torpedoes, spares and support	\$100 million (\$72 m. MDE; \$28 m. other).
10/31/91, 92-06, Greece	20 AH-64 APACHE helicopters, 446 HELFIRE missiles, various spares and support	\$505 million (\$351 m. MDE; \$154 m. other).
11/8/91, 92-04, Japan	Naval shipboard combat systems with spares and support	\$56 million (\$27 m. MDE; \$29 m. other).
11/14/91, 92-11, Turkey	350 MAVERICK missiles, spares and support	\$60 million (\$45 m. MDE; \$15 m. other).
11/14/91, 92-09, Italy	74 AGM-88 high-speed, anti-radiation missiles (HARM), and support	\$20 million (\$18 m. MDE; \$2 m. other).
11/18/91, 92-08, CCNAA (Taiwan)	Modification kits for 20 HAWK missile battery ground support systems, spares and support	\$170 million (\$0 m. MDE; \$170 m. other).
11/18/91, 92-10, Belgium	240 AIM-9M SIDEWINDER missiles and support	\$23 million (\$21 m. MDE; \$2 m. other).
12/5/91, 92-12, Saudi Arabia	12 PATRIOT fire units, 1 training fire unit, 1 maintenance fire unit; 758 PATRIOT missiles, associated equipment, spares and support	\$3.3 billion (\$1.7 b. MDE; \$1.6 b. other).
1/24/92, 92-13, Thailand	3 E-2C aircraft, with spares and support	\$382 million (\$240 m. MDE; \$142 m. other).
3/10/92, 92-15, Spain	1 TAV-8B aircraft, spares and support	\$25 million (\$23 m. MDE; \$2 m. other).
3/10/92, 92-16, Turkey	5 AN/TQ-36 Firefinder counter-mortar radar sets, related equipment and support	\$28 million (\$24 m. MDE; \$4 m. other).
3/10/92, 92-17, Germany	9 D-500 aircraft, 1 ground station, spares and support	\$795 million (\$0 m. MDE; \$795 m. other).
3/31/92, 92-18, Kuwait	6 PATRIOT fire units, 1 training fire unit, 1 maintenance fire unit; 450 PATRIOT missiles, and equipment; 6 HAWK batteries with 342 HAWK missiles; equipment and support	\$2.5 billion (\$1.0 b. MDE; \$1.5 b. other).
4/6/92, 92-19, Egypt	695 TOW 2A anti-armor missiles, 152 launchers; support equipment and spares	\$28 million (\$20 m. MDE; \$8 m. other).
5/6/92, 92-21, Spain	Logistics support for M60A3 tanks	\$77 million (\$0 m. MDE; \$77 m. other).
5/27/92, 92-22, CCNAA (Taiwan)	Weapons and ammunition for PHALANX CIWS; 48 anti-submarine rockets (ASROC), various support equipment and services	\$212 million (\$34 m. MDE; \$178 m. other).
5/27/92, 92-23, South Korea	28 HARPOON missiles, with spares and support	\$107 million (\$47 m. MDE; \$11 m. other).
5/27/92, 92-24, CCNAA (Taiwan)	Various spare parts for fighter and cargo aircraft, radars and a navigation system	\$108 million (\$0 m. MDE; \$107 m. other).
6/1/92, 92-25, Saudi Arabia	Logistics support and technical services for Saudi Army Ordnance Corps	\$400 million (\$0 m. MDE; \$400 m. other).
6/1/92, 92-26, Saudi Arabia	Contractor maintenance, training and support services for F-5 aircraft	\$157 million (\$0 m. MDE; \$157 m. other).
6/1/92, 92-27, Saudi Arabia	8 UH-60 MEDVAC helicopters, spare engines, spare parts, technical and logistic support	\$223 million (\$85 m. MDE; \$138 m. other).
6/1/92, 92-28, Saudi Arabia	Contractor maintenance and training technical services in support of F-15 aircraft	\$495 million (\$0 m. MDE; \$495 m. other).
6/1/92, 92-29, Saudi Arabia	362 HELFIRE Missiles; 3,500 HYDRA-70 rockets; 40 HMMWV vehicles; various spare parts, support and services for APACHE helicopters	\$606 million (\$22 m. MDE; \$584 m. other).
6/8/92, 92-30, Singapore	11 F-16A/B aircraft; retrofit of 7 F-16A/B aircraft with APG-66 radars; 7 spare engines; 30 Sidewinder and 6 Maverick training missiles; various spares and support services	\$657 million (\$381 m. MDE; \$276 m. other).
7/23/92, 92-31, South Korea	37 AH-64 APACHE attack helicopters; 775 HELFIRE missiles; eight spare engines; various other related items, spares and support services	\$997 million (\$677 m. MDE; \$320 m. other).
8/4/92, 92-33, CCNAA (Taiwan)	207 STANDARD missiles SM-1, spares, support and service	\$126 million (\$106 m. MDE; \$20 m. other).
8/12/92, 92-32, Netherlands	Conversion of 2 commercial DC-10 aircraft to KDC-10 tanker/cargo configured aircraft, with various systems modifications, spare parts and support	\$280 million (\$0 m. MDE; \$280 m. other).
9/8/92, 92-25, Japan	50 STANDARD missiles, spares, support and service	\$37 million (\$34 m. MDE; \$3 m. other).
9/8/92, 92-36, Japan	14 HARPOON missiles, including spares and logistics support	\$35 million (\$32 m. MDE; \$3 m. other).
9/10/92, 92-37, Japan	Naval shipboard combat systems, including 1 PHALANX CIWS; 1 Vertical Launching System (VLS); 1 Guided Missile Vertical Launching System (GLS), and related equipment, spares, technical and logistical support services	\$66 million (\$32 m. MDE; \$34 m. other).
9/10/92, 92-38, Italy	446 AGM-88 High Speed Anti-radiation Missiles (HARM), with support, technical and logistics services and support	\$145 million (\$125 m. MDE; \$20 m. other).
9/10/92, 92-44, Austria	62 STINGER RMP missile systems; 406 STINGER RMP reload missiles; together with training equipment, spares, logistics services and support	\$39 million (\$126 m. MDE; \$13 m. other).
9/14/92, 92-40, CCNAA (Taiwan)	150 new production F-16A/B fighter aircraft; 40 spare aircraft engines/modules; 900 SIDEWINDER air-to-air missiles and 600 SPARROW air-to-air missiles; 500,000 rounds of 20mm cartridges, spares, technical, logistical and support services	\$5.8 million (\$4.5 b. MDE; \$1.3 b. other).
9/14/92, 92-42, Saudi Arabia	72 F-15XP aircraft; 24 aircraft spare engines/modules; 48 sets of navigation and targeting pods; 9.0 AGM-650/G MAVERICK missiles; 600 CBU-87 bombs; 700 GBU-10/12 bombs; spares and support equipment, technical and logistics services	\$9 billion (\$6 b. MDE; \$3 b. other).
9/17/92, 92-39, Korea	Spare parts for support of F-4, F-5, T-37, C-130 and F-16 aircraft; AN/FPS-117 radar, and the AN/FRN-45 TACAN navigation system	\$95 million (\$0 m. MDE; \$95 m. other).
9/17/92, 92-41, Greece	40 F-16C/D aircraft; 10 spare aircraft engines/modules; 40 sets of LANTIRN Pathfinder/Sharpshooter equipment, spares, technical, support and logistical services	\$1.8 billion (\$1.4 b. MDE; \$400 m. other).
9/17/92, 92-43, Turkey	200 AIM-9M SIDEWINDER air-to-air missiles, and related logistics support	\$23 million (\$19 m. MDE; \$4 m. other).
9/18/92, 92-45, CCNAA (Taiwan)	12 SH-2F LAMPS MK I ASW helicopters, including overhaul of helicopters and engines; 12 spare engines, and logistics and technical support and services	\$161 million (\$23 m. MDE; \$138 m. other).
9/21/92, 92-46, Turkey	200 AIM-120 Advanced Medium-Range Air-to-Air Missiles (AMRAAM), technical services, support equipment and logistics support	\$17 million (\$15 m. MDE; \$2 m. other).
10/26/92, 93-01, Denmark	63 F-16A/B aircraft Mid-Life Update (MLU) modification kits; installation; support equipment; training and technical assistance and logistical support	\$300 million (\$0 m. MDE; \$300 m. other).
10/26/92, 93-02, Norway	56 F-16A/B aircraft Mid-Life Update (MLU) modification kits; installation; support equipment; training and technical assistance and logistical support	\$275 million (\$0 m. MDE; \$275 m. other).
10/26/92, 93-03, Netherlands	170 F-16A/B aircraft Mid-Life Update (MLU) modification kits; installation; support equipment; training and technical assistance and logistical support	\$775 million (\$0 m. MDE; \$775 m. other).
10/26/92, 93-04, Belgium	Up to 110 F-16A/B aircraft Mid-Life Update (MLU) modification, kits; installation; support equipment; training and technical assistance and logistical support	\$500 million (\$0 m. MDE; \$500 m. other).



## APPENDIX—MAJOR U.S. ARMS SALES NOTIFIED TO CONGRESS IN CALENDAR YEARS 1991 AND 1992—Continued

(Pursuant to section 36(b) of the Arms Export Control Act)

Date submitted, transmittal number, and purchaser	Principal items	Total estimated case value
1993		
1/5/93, 93-05, Kuwait	Armored and infantry battalion combat equipment, combat support equipment and combat services support equipment to include 256 M1A2 ABRAMS tanks; 46 M88 recovery vehicles; 52 M577 combat post carriers; 30 M1064 mortar carriers; 1,178 machine guns; 967 SINGARS radio systems; 132 M998 troop/cargo carriers; 460 tactical and commercial heavy equipment transporters, trucks and trailers; 130,000 rounds of 120mm tank ammunition, together with technical and logistic support, spares, and training.	\$4.5 billion (\$1.7 b. MDE; \$2.8 b. other).

<sup>1</sup> Major Defense Equipment as defined by Section 47(C) of the Arms Export Control Act.

### THE CALIFORNIA WELLNESS FOUNDATION

• Mr. SIMON. Mr. President, the California Wellness Foundation [TCWF] is an independent, private foundation created to improve the health of the people of California. It was funded in February 1992 by a substantial endowment from Health Net, California's second largest health maintenance organization. Through proactive development, implementation, and evaluation of health promotion and disease prevention programs, the foundation is taking a leadership role in developing strategies and public policies necessary to enable individuals and communities to adopt healthy lifestyles.

Its mission is to:

Improve the quality and accessibility of health promotion and disease prevention programs and services for a culturally diverse cross-section of California's children, youth, and families;

Encourage the integration of health promotion and disease prevention activities into the delivery of health and human services;

Increase the availability of work-related health promotion opportunities for California workers and their families; and

Facilitate the development of public policies that support health promotion and disease prevention.

The California Wellness Foundation pursues its mission primarily through independent and collaborative grant-making activities. The foundation collaborates within partnerships with other foundations, government agencies, the media and other businesses, and community groups to ensure that change is appropriate and meaningful.

TCWF supports programs in both the private and public sectors that:

Demonstrate preventive impact on people's health status;

Foster healthful lifestyles, behaviors, and values; and

Address systemic problems that pose barriers to health promotion.

In August 1992 a national advisory committee composed of experts on the issue of violence prevention and members of communities affected by vio-

lence met to strategize as to how best address the issue of violence. It was decided to view violence from a public health perspective and to support strategies and methods that focus on preventive initiatives to reduce violence. Under the umbrella of the Pacific Center for Violence Prevention, four interactive components have been developed—a leadership program, community action program, policy program, and a research program.

The criminal justice approach of arrest, trials, and incarceration is not only costly but addresses violence after the fact. The TCFW is looking to the root causes of violence and to empowering those individuals and organizations that can and will make a difference in their communities.

In 1991, almost 25,000 victims died at the hands of others. Homicide is the Nation's 12th leading cause of death and the 6th leading cause of premature mortality. Two to 4 million women annually are battered by a domestic partner; more than 650,000 are raped; 1.5 million children and 1.1 million elderly are abused.

Initially, the Foundation will allocate \$24 million over 5 years to develop and evaluate a comprehensive multifaceted approach to reducing youth violence throughout the State.

Since young people are disproportionately represented as both perpetrators and as victims of violence, the foundation's initiative will concentrate on youth age 24 and younger. The easy availability of firearms contributes to the increasing lethality of youth violence. A nationwide survey found that one student in 25 carried a gun in 1990.

Homicide is now the second leading cause of death in the United States among youth 15-24 years old.

Those between the ages of 12 and 24 face the highest risk of nonfatal violence of any segment of society.

Nearly 50 percent of the estimated 4.2 million nonfatal crimes of violence in the nation in 1989 were committed by offenders between age 12 and 24.

For more than a decade, homicide has been the leading cause of death among both male and female African Americans in the 15-24 age group.

TCFW will fund a number of community based projects that include min-

isters, former gang members, mentors, and potential leaders. Academic fellowships in violence prevention and media and public policy campaigns will also be funded to study the problem and assist in formulating policy development and monitoring the effectiveness of TCFW grants. A coalition which will include the philanthropic community, government agencies, the criminal justice system, educational institutions, the entertainment industry, and mental health and public health professionals will look at the long-term health and economic benefits of health promotion programming to reduce violence.

The lifetime cost of firearm injuries alone totaled \$20.4 billion in 1990. The cost in terms of the well-being of people is measured by the chronic anxiety and fear of individuals and communities and widespread feeling and insecurity.

The California Wellness Foundation's commitment to violence prevention, to stop the spread of violence, and to improve the overall well-being and quality of life for all citizens is to be emulated. The public health approach to viewing violence as a problem that continues to plague on our communities is one that should be given our vigorous support. I applaud the foundation's leadership and look forward to working with them in the coming years. •

### HONORING LEON S. COHAN

• Mr. RIEGLE. Mr. President, on May 31, 1993, Leon S. Cohan of Michigan, a friend to both public service and private industry, a passionate and compassionate citizen, retires after 20 years of service at the Detroit Edison Co.

On behalf of Senator LEVIN and myself, the citizens of Michigan and others who have benefited from his generosity, I am pleased to pay tribute to, and to honor, Leon Cohan.

He is a man of many facets:

Appointed in 1961 as deputy attorney general for the State of Michigan, he has served in that position longer than anyone in the State's history;

He has been the general counsel and trusted advisor to three chief executive officers at Detroit Edison—and the founder and guiding force behind his company's government relations organization;

He is known for his commitment to ethics in our governmental institutions and their leaders;

He is known as a passionate advocate for racial and religious harmony and respect for all people;

He is known, perhaps, as the State's key spokesman for the arts for the enrichment they bring to the human spirit and for the benefits they bring to the State's economy; and he is known for his commitment to cancer research to treat and end this horrible disease.

He has also been honored many times for the causes to which he has been committed.

For finding commonality in human differences—as a member of the Race Relations Council of Metropolitan Detroit and three-term president of the Jewish Community Center of Metropolitan Detroit—he has earned:

The NAACP-Detroit branch's Judge Ira W. Jayne Award, given annually to a person outside the black community who has given outstanding service that builds and benefits all segments of the Detroit community;

The Israel Histadrut Menorah Award for leadership and achievements;

The Fellowship Award of the American Arabic and Jewish Friends of Metropolitan Detroit;

The Knights of Charity Award from the Pontifical Institute for Foreign Missions;

The Judge Learned Hand Award, from the Institute of Human Relations of the American Jewish Committee, for outstanding service that has benefited the community; and

Election to the International Heritage Hall of Fame by the Friends of the International Institute of Metropolitan Detroit.

In support of the arts he has served as:

Chairman of the Michigan Council for the Arts;

A member of the Arts Commission of the City of Detroit, which is the governing body of the Detroit Institute of Arts;

Director of the University of Michigan Musical Society;

Director of the Concerned Citizens for the Arts in Michigan; and

Most recently, founder and president of the arts action alliance.

In recognition of his outstanding contributions to the arts, he has received the Governor's Arts Award for Civil Leadership in the Arts.

For his commitment to ethics in government, Leon received a gubernatorial appointment to the State Board of Ethics in 1973 and served with distinction on that board for nearly 20 years, the last 5 years as chairman.

In fighting cancer, he served three terms as chairman of the board of trustees of the Michigan Cancer Foundation and was honored by the Foundation with lifetime membership on its board.

In addition, Leon has received the Distinguished Alumni Award from the Wayne State University Law School and the Distinguished Service Award of the Wayne State University Board of Governors.

Earlier this month he was named a Michigander of the Year by the Detroit News.

In his work at Detroit Edison, Leon's influence was always evident in the honesty, candor, and integrity of his testimony provided in response to our need for information.

Indeed, he has been a friend and mentor to scores of men and women in government service and in industry—and many of those whose lives he has touched are now extending his philosophies and teachings in their leadership roles throughout our Nation.

As a member of this legislative body, I am honored to add this tribute to Leon's many achievements.

As a friend, I would like to thank Leon Cohan, for his passion, his humanity, and his dedication to others which have served us all so well.

I ask that a letter from Senator LEVIN be included in the RECORD at the conclusion of my remarks.

The letter follows:

U.S. SENATE,  
Washington, DC, April 20, 1993.

MR. LEON COHAN,  
Detroit Edison,  
Detroit, MI.

DEAR LEON: I am truly sorry I cannot join you on May 3rd as you are honored upon your retirement from Detroit Edison.

There are few people I know who have devoted more energy to their community than you. We go back to the time when you were Frank Kelley's chief assistant and I was on Frank's staff. Your intellectual honesty and judgment and community involvement have manifested themselves in innumerable ways in the three decades since.

I know you will continue your involvement in our community as you leave Edison and take on a new challenge.

You and Heidi have also been good personal friends to Barb and me. We both send our very best to you and to all of those who are serenading you on the 3rd.

Sincerely,

CARL LEVIN.●

#### RECOGNITION OF ALLEN F. STEINBOCK, KENTUCKY SMALL BUSINESS PERSON OF THE YEAR

● Mr. FORD. Mr. President, I rise today to pay tribute to Mr. Allen F. Steinbock of Louisville, KY, who has been named Kentucky Small Business Person of the Year by the U.S. Small Business Administration. He will be honored in Washington, along with other individuals who have been recognized from across the Nation, during

Small Business Week, May 9 through May 15, 1993.

Allen F. Steinbock is president of Whip Mix Corp., a dental equipment and supply company in Louisville, KY. Founded by Allen Steinbock's grandfather in 1919, Whip Mix was the first company to manufacture and market the first complete dental inlay casting unit. Allen took over management of the company 7 years ago and has continued his grandfather's tradition of innovation. Today, Whip Mix is known internationally. Under Allen's astute leadership, the company has shown steady growth and opened many new markets in a field that is showing little growth. The firm has added 40 employees for a total of 180, while sales increased 37 percent, from \$9.2 million to \$12.6 million.

One of the more remarkable aspects of the Whip Mix success story begins in the 1950s when the firm began to expand globally. Improved preventative dental care and fluoridation significantly impacted the dental field at this time and Whip Mix immediately saw the advantage of exporting these new innovations. An aggressive export strategy paid off and today nearly half of all Whip Mix shipments go to customers in more than 80 countries.

Through his personal devotion to product research, Allen has earned election to both the Academy of Dental Materials and the Academy of Operative Dentistry. He has also pioneered innovations in porcelain veneer, unit dose packaging, and breakthrough products and devices. Allen's innovations in management and team-building developed a clear mission and value statement that helped align and motivate the company. Whip Mix employees carry copies in their pockets.

Allen Steinbock has also demonstrated strong leadership for the business community and a commitment to the economic growth of Louisville, KY. His dedication clearly transcended his interest in the development of his own business. Allen and his employees are deeply involved in the community, supporting scouting, numerous charities, local ballet and theater, and educational and professional organizations. They sponsor a home for abused children, a camp for disadvantaged children, and many educational projects. And Allen even finds the time in his busy schedule to serve as a cook at a local shelter once a week.

Mr. President, Allen Steinbock's leadership, dedication, integrity, and innovation have made him a role model for small business persons across my State. In being named Kentucky Small Business Person of the Year, I believe he now can be recognized as a fine example for aspiring young entrepreneurs nationwide.

Although it has been said many times, it is still quite true that small business is the backbone of our econ-



omy. With the continued efforts of individuals like Allen Steinbock, this will continue to be the case for some time into the future.

As we continue Small Business Week, I rise to recognize and congratulate Allen Steinbock and the other State Small Business Persons of the Year for their distinguished achievements.●

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. GLENN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 66, Fernando M. Torres-Gil, to be Commissioner on Aging.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I further ask unanimous consent that the nominee be confirmed; that any statements appear in the RECORD as if read; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

Fernando M. Torres-Gil, of California, to be Commissioner on Aging.

### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

#### MEASURE INDEFINITELY POSTPONED—S. 766

Mr. GLENN. Mr. President, I ask unanimous consent that Calendar No. 55, S. 766, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the quorum call be rescinded.

Mr. GLENN. Reserving the right to object, Mr. President, it will be fine so long as at the end of the Senator's statement that we return to the quorum call, and that it be agreed that no attempt be made to go back to the Nickles amendment that we were discussing earlier.

Mr. NICKLES. Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Oklahoma.

#### DEPARTMENT OF THE ENVIRONMENT ACT OF 1993

The Senate continued with the consideration of the bill.

Mr. NICKLES. Mr. President, I would like to discuss the amendment without really going on to the amendment, and I am assuming under the unanimous consent that this is not charged to the amendment, we are not on the amendment, we are on the underlying bill. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GLENN. As I understand it, time is not being charged on the amendment, we are on general time on the bill itself.

The PRESIDING OFFICER. The Senator is correct.

Mr. NICKLES. I thank my colleague from Ohio. I appreciate his leadership and cooperation on this legislation.

Mr. President, Senator BYRD mentioned several strong objections to the point-of-order rule that is in this legislation. I will just make a couple of general comments.

It is not this Senator's intention to set up a rules change, it is not this Senator's intention to get bogged down in a lengthy debate on rules change. It is my intention to try to find if legislation and/or Executive rulings or administrative acts have very significant negative impact on the economy. I think we should know that.

So I contacted a couple of other cosponsors on this legislation and indicated a willingness to drop the rules section. This is on page 5 of our amendment where we would drop the point of order that, if the GAO report is not done, that a point of order would lie against the bill. We will drop the rule change. We will drop it entirely. We will state that the economic and employment impact statement will be required, accompanying each bill or conference report, and we will stop this.

In other words, hopefully it will be done. This Senator is going to have a very strong intention to make sure it is done on very significant legislation. But there will not be a point of order lying against the bill if it is not done. I think that would alleviate many of the concerns raised by the Senator from West Virginia. I respect his concerns.

It is certainly not this Senator's intention to delay all 15 appropriations bills throughout the year on this. As a matter of fact, the appropriations bills were not in this Senator's intention. If you look at rule XXVI, appropriations bills were exempted from rule XXVI.

What I am saying is, I offer to the Senator from West Virginia to exempt appropriations. I will go further than that. We will not make a rules change. We will not make a rules change by

statute. It has been done before. As a matter of fact, I told my friend and colleague from West Virginia we made a rule change in the statute when we passed the so-called Byrd rule in 1985. I think that was an excellent change. It was one that needed to be made. That was a reconciliation package so we could not have a lot of extraneous measures on reconciliation package.

I have to remember we are talking to the American people, not just colleagues. People do not understand that lingo. What it means is, you cannot offer an entirely different, totally extraneous piece of legislation on a reconciliation package, that you have very limited rules and limited debate. I think Senator BYRD was right in passing that. I compliment him for doing so.

So my statement that I am making is that I appreciate and respect the concerns that were raised by my colleague from West Virginia. It is not my intention to hold up legislation on the floor of the Senate. It is my intention to try to find out on major pieces of legislation what the economic impact and employment impact is on that legislation, and hopefully before we vote on it, hopefully before it becomes law.

Likewise, the same thing before final rules come down from the administration, from a multitude of regulatory agencies.

I hope, too, that my colleagues would realize this is not a partisan attempt. I have tried to pass this legislation for the last 2 or 3 years. We have gained more and more support. Actually, I think we have a majority vote both in the House and the Senate for this concept. So I hope that we will be successful.

I, frankly, think that regulations grew far too much and far too expensive under the previous administrations, probably, in President Reagan's administration, but certainly in President Bush's administration.

The cost of regulation—I had the charts up here—exceed now \$4,000 per household. That is a bill that is being put on the people. That is a bill that people have to pay. It shows up in utilities, it shows up in your water bill, gas bill, it shows up in the price of gasoline, it shows up in the price of cars, it shows up in the price of insulation, it shows up in everything.

Many of those regulations are probably well worthwhile, many are not. My point is that if we have regulations that cost thousands of jobs, we ought to know about it. We ought to have that in our decisionmaking mode before we make final decisions.

So my point is, I will drop the point-of-order section in the bill. That is not critical to my intent. My intent is to find out how much some of these pieces of legislation cost. And not on every piece of legislation, but only legislation that has economic impact of over

\$100 million. So we are not talking about trivial pieces of legislation. We are talking about significant major pieces of legislation.

We also say if it has an impact of over 10,000 jobs. All of us, I know, Democrats and Republicans, are interested in job creation. We should also be interested if we are passing legislation that will have negative job creation. If it is an unemployment bill, if we are going to be passing legislation that is going to put thousands, or more than 10,000 people, out of work, we ought to know that.

So that is the purpose of legislation. Again it is not to get bogged down into procedural points of order. That is not my intention. We will delete that controversial section and hopefully delete the opposition to this amendment and pass it. Because again I think this amendment could be one of the more positive things we can do toward jobs creation, toward putting a balance or common sense in regulatory costs.

If you ask—I know all of us are having health care meetings—ask the doctors, ask the hospitals, ask the administrators how much administrative costs are in the overall medical field, I think you would be astounded at the answers.

They spend such an enormous amount of time now just trying to comply with well-meaning regulations. I mentioned the Clinical Laboratory Improvement Act that passed a few years ago. The cost of compliance with that act alone was very significant. It would have put a lot of hospitals in Oklahoma out of business. It did not mean to; that was not the intention of the authors, and I know it was not. Yet, that was the impact.

Actually, we passed legislation on appropriations bills to postpone those regulations to make a little more sense on it; and we did. We should not have to do that. We should have some impact or idea of the impact of some of the rules and regulations coming down from the various regulatory agencies before they happen; and, likewise, we should have some indication of the economic impact and the amount of jobs

which will be impacted before we pass legislation.

That is the purpose of this amendment, not to make rule changes, not to subvert the rules of the Senate. That is not my intention nor that of the Senator from Nevada. I consulted him, and we are willing to drop the point of order section dealing with the House and Senate. We are also willing to change that the statement has to accompany legislation before it can be put up. A point of order will not lie as a result of this legislation.

I hope my colleagues will review this and either cosponsor or vote for it. I hope that we will have a resounding vote that the House will concur in and that we will have a better attainment of the overall cost of the regulations and maybe be able to slow down the cost of regulation in both the legislation and in executive action as a result of this amendment. Madam President, I yield the floor.

Mr. GLENN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GLENN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR TOMORROW

Mr. GLENN. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m., Thursday, April 29; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business, not to extend beyond 11:45 a.m., with Senators permitted to speak therein for up to 5 minutes each; with the following Senators recognized to speak in the order listed, if present, for up to 10 minutes

each: Senators LEAHY, CONRAD, AKAKA, GRASSLEY, PRESSLER, GRAMM, and BOXER; that at 11:45 a.m., the Senate resume consideration of S. 171, the Department of Environment Act, with the Nickles amendment No. 329 as the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS UNTIL 10:30 A.M. TOMORROW

Mr. GLENN. Madam President, if there is no further business to come before the Senate today, I now ask unanimous consent the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:14 p.m., recessed until Thursday, April 29, 1993, at 10:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate April 28, 1993:

##### DEPARTMENT OF STATE

KARL FREDERICK INDERFURTH, OF NORTH CAROLINA, TO BE THE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

##### SMALL BUSINESS ADMINISTRATION

ERSKINE B. BOWLES, OF NORTH CAROLINA, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE PATRICIA F. SAIKI, RESIGNED.

##### DEPARTMENT OF TRANSPORTATION

MICHAEL P. HUERTA, OF CALIFORNIA, TO BE ASSOCIATE DEPUTY SECRETARY OF TRANSPORTATION, VICE ROBERT E. MARTINEZ, RESIGNED.

RODNEY E. SLATER, OF ARKANSAS, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION, VICE THOMAS D. LARSON, RESIGNED.

##### DEPARTMENT OF THE TREASURY

GEORGE J. WEISE, OF VIRGINIA, TO BE COMMISSIONER OF CUSTOMS (NEW POSITION).

#### CONFIRMATION

Executive nomination confirmed by the Senate April 28, 1993:

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

FERNANDO M. TORRES-GIL, OF CALIFORNIA, TO BE COMMISSIONER ON AGING.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUEST TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.



# HOUSE OF REPRESENTATIVES—Wednesday, April 28, 1993

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, from whom the gifts of faith and hope and love are received, we pray that we will accept these gifts with a spirit of thanksgiving and grace. We admit that we have not been the people we ought to be or have done those good things that serve people in their needs, but we humbly ask the courage to speak for that which is right and faithful in our commitment in the ways of truth. May Your blessings, O God, that are new every morning be with us and with every person, now and evermore. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause I, rule I, the Journal stands approved.

Mr. FROST. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 253, nays 149, not voting 29, as follows:

(Roll No. 143)

YEAS—253

Abercrombie	Borski	Conyers
Ackerman	Boucher	Cooper
Andrews (ME)	Brewster	Coppersmith
Andrews (NJ)	Browder	Costello
Andrews (TX)	Brown (FL)	Coyne
Applegate	Brown (OH)	Cramer
Archer	Bryant	Danner
Bacchus (FL)	Byrne	Darden
Baesler	Cantwell	Deal
Barcia	Cardin	DeFazio
Barlow	Carr	DeLauro
Barrett (WI)	Chapman	Dellums
Bateman	Clayton	Derrick
Becerra	Clinger	Deutsch
Beilenson	Clyburn	Dicks
Bevill	Coleman	Dingell
Bilbray	Collins (IL)	Dixon
Bishop	Collins (MI)	Dooley
Blackwell	Combest	Durbin
Bonior	Condit	Edwards (CA)

Edwards (TX)	Lambert	Rahall
Engel	Lancaster	Rangel
English (AZ)	Lantos	Reed
English (OK)	LaRocco	Reynolds
Eshoo	Laughlin	Richardson
Evans	Lehman	Roemer
Fazio	Levin	Rose
Filner	Lewis (GA)	Rostenkowski
Fingerhut	Lipinski	Rowland
Fish	Lloyd	Roybal-Allard
Flake	Long	Rush
Ford (MI)	Lowey	Sabo
Ford (TN)	Maloney	Sanders
Frank (MA)	Mann	Sangmeister
Frost	Manton	Santorom
Furse	Margolies-	Sarpalius
Gejdenson	Mezvisinsky	Sawyer
Gephardt	Markey	Schumer
Geren	Martinez	Scott
Gibbons	Matsui	Serrano
Gillmor	Mazzoli	Sharp
Gilman	McCloskey	Shepherd
Glickman	McCurdy	Sisisky
Gonzalez	McDermott	Skaggs
Gordon	McHale	Skelton
Green	McInnis	Slattery
Gunderson	McKinney	Slaughter
Gutierrez	McNulty	Smith (IA)
Hall (OH)	Meehan	Smith (MI)
Hall (TX)	Meek	Smith (NJ)
Hamburg	Menendez	Spratt
Hamilton	Mfume	Stark
Harman	Miller (CA)	Stenholm
Hastings	Mineta	Stokes
Hayes	Minge	Strickland
Hefner	Mink	Studds
Hilliard	Moakley	Stupak
Hinchey	Mollohan	Swett
Hoagland	Montgomery	Swift
Hochbrueckner	Moran	Synar
Hoke	Murtha	Tanner
Holden	Myers	Tauzin
Houghton	Natcher	Taylor (MS)
Hoyer	Neal (MA)	Tejeda
Hughes	Neal (NC)	Thompson
Hutto	Oberstar	Thornton
Hyde	Obey	Thurman
Inglis	Oliver	Torricelli
Inslee	Ortiz	Towns
Johnson (GA)	Orton	Trafficant
Johnson (SD)	Owens	Unsoeld
Johnson, E.B.	Pallone	Valentine
Johnston	Parker	Velazquez
Kanjorski	Pastor	Vento
Kaptur	Payne (NJ)	Visclosky
Kasich	Payne (VA)	Volkmer
Kennedy	Pelosi	Waters
Kennelly	Penny	Watt
Kildee	Peterson (FL)	Waxman
Kiecuka	Peterson (MN)	Wheat
Klein	Pickett	Woolsey
Klink	Pickle	Wyden
Kopetski	Pomeroy	Wynn
Kreidler	Poshard	Yates
LaFalce	Price (NC)	

NAYS—149

Allard	Burton	Dreier
Armey	Buyer	Duncan
Bachus (AL)	Callahan	Dunn
Baker (CA)	Camp	Everett
Baker (LA)	Canady	Ewing
Ballenger	Castle	Fawell
Barrett (NE)	Clay	Foglietta
Bartlett	Coble	Fowler
Bentley	Collins (GA)	Franks (CT)
Bereuter	Crane	Franks (NJ)
Bilirakis	Crapo	Gallely
Billie	Cunningham	Gallo
Blute	DeLay	Gekas
Boehlert	Diaz-Balart	Gilchrist
Boehner	Dickley	Gingrich
Bonilla	Doolittle	Goodlatte
Bunning	Dornan	Goodling

Goss	Machtley	Royce
Grams	Manzullo	Saxton
Grandy	McCandless	Schaefer
Greenwood	McCrery	Schiff
Hancock	McDade	Schroeder
Hansen	McHugh	Sensenbrenner
Hastert	McKeon	Shaw
Hefley	Meyers	Shays
Herger	Mica	Shuster
Hobson	Michel	Skeen
Hoekstra	Miller (FL)	Smith (OR)
Horn	Molinari	Smith (TX)
Huffington	Moorhead	Snowe
Hutchinson	Morella	Solomon
Inhofe	Murphy	Spence
Istook	Nussle	Stearns
Jacobs	Oxley	Stump
Johnson (CT)	Packard	Sundquist
Johnson, Sam	Paxon	Talent
Kim	Petri	Taylor (NC)
King	Porter	Thomas (CA)
Kingston	Pryce (OH)	Torkildsen
Klug	Quinn	Upton
Knollenberg	Ramstad	Vucanovich
Kolbe	Ravenel	Walker
Kyl	Regula	Walsh
Leach	Ridge	Weldon
Levy	Roberts	Wolf
Lewis (CA)	Rogers	Young (AK)
Lewis (FL)	Rohrabacher	Young (FL)
Lightfoot	Ros-Lehtinen	Zeliff
Linder	Roth	Zimmer
Livingston	Roukema	

NOT VOTING—29

Barton	Fields (TX)	Schenk
Berman	Henry	Thomas (WY)
Brooks	Hunter	Torres
Brown (CA)	Jefferson	Tucker
Calvert	Lazio	Washington
Clement	McCollum	Whitten
Cox	McMillan	Williams
de la Garza	Nadler	Wilson
Emerson	Pombo	Wise
Fields (LA)	Quillen	

□ 1425

Mr. PETE GEREN of Texas changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mrs. KENNELLY). At this time the gentleman from Michigan [Mr. KILDEE] will come to the well and lead the House in the Pledge of Allegiance.

Mr. KILDEE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed a joint resolution of the following title, in which the concurrence of the House is requested:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

S.J. Res. 85. Joint resolution designating the week beginning May 2, 1993, as "National Mental Health Counselors Week".

The message also announced that pursuant to Public Law 102-429, the Chair, on behalf of the Republican leader, announces the appointment of Richard P. Simmons of Pennsylvania and Michael E. Porter of Massachusetts, as members of the selection panel for the John Heinz Competitive Excellence Award.

#### CLINTON ECONOMIC PLAN WOULD CUT DEFICIT, RAISE LIVING STANDARDS, PROMOTE GROWTH

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Madam Speaker, the Clinton budget—the outline of the President's economic plan—passed the Congress in record-setting time.

It cuts the deficit by more than \$500 billion. This plan is so credible that the markets have embraced it by lowering interest rates.

The Clinton administration has sought to cut Government redtape that has previously limited small business growth and investment.

President Clinton's program will create new jobs and put people back to work through education and retraining programs.

After 12 years of Republican rule, the American people know they have an active President who is setting the economic agenda rather than reacting to events.

The investments of the Clinton economic plan seek to raise the living standards for all Americans and to promote growth in U.S. businesses.

Through the eighties, Presidents Reagan and Bush promoted their unsuccessful agenda of cutting taxes, streamlining Government, and eliminating deficit.

For 12 years they whistled while the country slid into debt, disinvestment, and decline.

Measured against the last two administrations' failed policies, the first 100 days of this administration is significant because President Clinton has been able to clear away the Republican wreckage of the eighties while enacting a budget and pursuing progrowth policies.

□ 1430

#### TRIBUTE TO PERRY CROSS

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Madam Speaker, the people of Kentucky lost an important community leader and one of our State's most colorful characters when

Perry Cross of Albany, KY, passed away on Tuesday, April 27 of this year.

A respected businessman and public figure, Perry Cross devoted his entire life to improving his local community and the entire State of Kentucky.

Perry Cross began as a teacher in Clinton and Wayne Counties before he started a career in the auto business that lasted over 30 years. He was also a real estate broker, and operated the Clinton Loan Co. in Albany from 1956 until his death.

In addition to his business life, Perry Cross was dedicated to serving his community. He served his country during World War II as a member of the U.S. Army, sat on the Albany City Council, and was a member of the Kentucky State Legislature in 1948-49.

He served in various other capacities. He was a State health department officer, served on the State police personnel board from 1968 to 1972, was a member of the Clinton County Election Commission from 1976 to 1984, and served several years on the Albany Housing Authority.

In addition to his active business and community life, Perry Cross was a dedicated husband, father, and grandfather. He is survived by his wife, Winnie; his two sons, Al and David; three grandchildren; his brother, Tex; and his sister, Wonnie.

For those of us who had the pleasure of knowing and working with Perry Cross we will always remember his dedication to the community, his ability to get things done, and the love he had for his family, his community, his State, and his country.

I especially treasure my personal friendship with Mr. Cross and his friendship with my father, O.D. Rogers, a friend from their childhood together in the community of Beech Bottom in Clinton County, KY. In fact, their lives paralleled each other in so many ways.

It is in this spirit, Mr. Speaker, that I ask my colleagues to join me today in remembering one of Kentucky's most distinguished citizens, Mr. Perry Cross.

#### THE FIRST 100 DAYS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, 100 days since the inauguration is not the time to be looking back, but to be looking forward to the work ahead. The Clinton administration took office and immediately confronted the weight of problems accumulated under 12 years of Republican administrations that ignored the major problems confronting this Nation, saddled us with the largest debt and deficit in our history, and left the Nation struggling in recession.

After 100 days, this country has an economic blueprint that will begin the process of controlling our budget crisis

and reducing our budget deficit significantly. A plan to reinvest in our cities that had been ignored, our workers who can't find a job, and the children that represent our future.

And after 100 days, we have seen an administration willing to confront—head on—the crisis in our health care system, a problem that previous administrations left to languish in the face of mounting costs to working Americans and businesses.

After 100 days of the Clinton administration, we have passed family and medical leave, repealed Executive orders that interfered with a woman's right to choose, and reaffirmed American leadership in environmental affairs.

In 100 days Americans have begun to hope, they have regained some optimism that we can do things differently, we can do them better. If we can fulfill in the next 100, or 1,000, or 2,000 days the promise of this glimmer, then truly we have accomplished something.

#### NEW YORK TIMES EXPOSES CHINA'S COERCION IN POPULATION CONTROL

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, now even the New York Times recognizes the brutality and gross injustice of China's one-child-per-couple policy with its heavy reliance on forced abortion and forced sterilization.

In a page one story in the Sunday Times, Nicholas D. Kritof wrote:

She should be taking her two-month-old baby out around the village now, proudly nursing him and teaching him about life. Instead, her baby is buried under a mound of dirt, and Li Qiuliang spends her time lying in bed emotionally crushed and physically crippled.

The baby died because under China's complex quota system for births, local family planning officials wanted Ms. Li to give birth in 1992 rather than in 1993. So on Dec. 30, when she was seven months pregnant, they took her to an unsanitary first-aid station and ordered the doctor to induce early labor.

Ms. Li's family pleaded. The doctor protested. But the family planning workers insisted. The result: The baby died after nine hours and 23-year-old Ms. Li is incapacitated.

Tragically, Mr. Clinton, the abortion President, is poised to coddle these butchers in Beijing by resuming American funding of the United Nation's Population Fund [UNFPA].

Since 1979, the UNFPA has helped design, fund and implement the most vicious assault in human history on Chinese women and babies. Since 1985, the UNFPA has been found to be guilty of violating United States law by supporting and co-managing a coercive population program.

And because of this behavior the Congress has repeatedly condemned coer-



cion in family planning programs in China as crimes against humanity, and the funds to the UNFPA have been cut off by the Reagan and Bush White House.

But Mr. Clinton, seeks to reverse this humane pro-woman pro-child policy, thus making the Clinton administration an accessory to these crimes against humanity. Mr. Clinton wants to give \$50 million to the UNFPA—which would be outrageous.

Mr. Speaker, for the sake of Chinese women and children, I ask the President to please rethink his position. Stand with the victims, not with the victimizers.

#### WE ELECTED A PRESIDENT, NOT A MAGICIAN

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KENNELLY. Mr. Speaker, when we went to the polls last November, we elected a President. We did not elect a magician. And we certainly did not elect a miracle man. Some apparently think we should have done otherwise.

It seems that some of my colleagues, some newsmakers and pundits, and even some academics think that President Clinton should be able to turn around 12 years of Republican neglect in just 100 short days—that is less time than it takes to get your first semester's grades in college.

President Clinton took office determined to fight for all Americans—and he has. He won almost immediate passage of a bold plan to fix the economy. He signed the Family and Medical Leave Act into law in unprecedented time. He confronted health care head on and called for a national service program for young Americans. He showed his commitment to rebuilding America's cities and his compassion for displaced defense workers.

Mr. Speaker, it is not President Clinton who has disappointed us in his first 100 days. He has proven his commitment to Americans. I only wish that some of my colleagues in the other body would do the same.

And for those who think Presidents are magicians, may I remind them of the words spoken by President John F. Kennedy:

\*\*\* all this will not be finished in the first one hundred days, nor will it be finished in the first one thousand days, nor in the life of this administration, nor even perhaps in our lifetime on this planet.

#### PUTTING TAXES FIRST

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, during the Presidential campaign, then miracle

man Bill Clinton and Magician AL GORE published a book entitled "Putting People First" in which they professed a strong desire to improve the lives of middle-class Americans. If elected, they pledged to reduce the tax burden placed upon working Americans as well as to downsize the Federal Government.

Ironically, if one were to write a book on the first 100 days of the Clinton administration, it would appropriately be titled "Putting Government First" or "Putting Taxes First." Instead of alleviating the tax burden faced by middle-income workers, the President has proposed the largest tax increase in world history. If the Clinton administration prevails, middle-income Americans will incur a Btu tax, increased income taxes, a possible VAT tax, levies on Social Security benefits, as well as increased taxes on all alcohol and tobacco products.

Clearly the Clinton administration has chosen to protect the interests of big government at the expense of American workers. Let us hope that during the next 100 days, President Clinton makes an effort to fulfill his campaign promises and shows greater sensitivity to the needs of working Americans than to big government.

#### PRESIDENT CLINTON OFF TO A STRONG START

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, every so often it is important to step back from the challenges of the moment and put things in perspective.

Bill Clinton is the fourth President of the United States I have had the privilege of serving with: Jimmy Carter, Ronald Reagan, George Bush, and now Bill Clinton. Each of these Presidents came to office facing a different set of problems, and each had his particular approach.

Bill Clinton is now completing his first 100 days in office and, while there have been some bumps in the road, he is off to a strong start.

Let us look at the record. Thanks to strong Presidential leadership, Congress passed a budget earlier than at any time in the 15 years I have served here. This President clearly has a long-term plan to reduce the deficit and put people back to work and together we have taken a very important first step toward implementing that plan.

President Clinton also set a proper tone for America by signing into law the Family and Medical Leave Act and by committing his administration to comprehensive health care reform and to a major reform of our welfare laws. And he has staked out a new program for national service for young Americans.

This is an administration dedicated to action and to addressing the major problems facing our country. We can all take pride in the leadership provided by President Clinton during his first 100 days.

□ 1240

#### THE REALITIES OF THE FIRST 100 DAYS

(Mr. HASTERT asked and was given permission to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, as my colleagues know, I listen to the spinmakers on my own side of the aisle, and sometimes even to those on this side of the aisle. What I hear are the stories of the first 100 days.

As my colleagues know, I think people ought to come out from under the tunnels around this place occasionally. They need to get outside, and they need to look at the sunshine. They also need to get back home and listen to the real truth.

Mr. Speaker, if they do go back home and talk to middle-class Americans, if they talk to those people who create jobs in America, in small or large businesses or even the self-employed, as my colleagues know, they'll hear a different story.

The story we get from the White House and the administration is: Well, the recession is not over because there is high unemployment. Let me tell my colleagues what the real truth is in this country.

The truth is that employers are not hiring because there are ominous clouds that have gathered in this first 100 days. There is uncertainty, there is a lack of candor, and there have been promises of new taxes on the middle class and business. We have had Government regulation being rammed through this House, and employers are not hiring people. They are keeping people on overtime. They are giving people 50 and 60 hours a week because they are afraid to hire new people for the long term because they do not know what that long term is going to be.

Mr. Speaker, let us look at the reality of what is going on in this country.

#### PRESIDENT CLINTON'S ACCOMPLISHMENTS IN THE FIRST 100 DAYS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, after spending much of the last week back home, it amazes me to hear Republican claims about the President's first 100 days. The truth is: My constituents want change and still believe

that President Bill Clinton is the man to bring that change.

The American people know that the Republicans mugged the President's investment package 2 weeks ago and are mobilizing to block progress on action to jumpstart the economy. They know who stands for gridlock and who cares more about politics than the needs of real people.

The first 100 days of an administration cannot be used as a final judge of effectiveness. Rather, they can serve as a gauge for potential.

Without a doubt, the first 100 days of this administration have been productive and successful. In the President's first 3 months, he has: Passed the budget in record time; signed the Family and Medical Leave Act; repealed the gag rule; extended unemployment compensation; and, in his first few months, he has set the course for serious health care and political reform.

Mr. Speaker, the minority would like to fool the American people into thinking that this is a weakened Presidency. The American people know better and stand behind this President.

Mr. Speaker, the President of the United States is shaking this town up. He is upsetting the status quo, and some people on the other side do not like it.

#### HARDING WAS NO CLINTON

(Mr. DOOLITTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOOLITTLE. Mr. Speaker, I read with some dismay last week an article in the Wall Street Journal that compared the Clinton administration's first 100 days to a comparable time period within the administration of President Warren G. Harding.

Let me quote directly political scientist Everett Ladd: "[This] is the worst hundred days since Warren G. Harding, by any reasonable standard."

That is a terrible affront, Mr. Speaker, to Warren G. Harding. While I can't say Warren G. Harding was a friend of mine, I can say this: Warren G. Harding was no Bill Clinton.

Warren G. Harding did not promise the American people a sweeping package of legislation during the first 100 days. Bill Clinton did. Warren G. Harding did not promise the middle class a tax cut during his campaign, only to renege once he was elected. Bill Clinton did. Warren G. Harding did not try to tax everything under the Sun, from energy to Social Security, in order to pay for pork-barrel spending. Bill Clinton did.

Mr. Speaker, Warren G. Harding was no saint, but he was no Bill Clinton.

#### REPUBLICANS ARE FIGHTING THE CHANCE FOR ECONOMIC GROWTH

(Mr. MILLER of California asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker and Members of the House, what we have learned in this first 100 days is that the Republican Party that could not come up with an economic plan to rescue this country from a recession, and from massive unemployment, and from job dislocation, was fully prepared to fall on its sword and, if necessary, use the filibuster in the Senate to stand between the American people and job opportunities, to stand between young Americans this summer and a chance at a summer job, to stand between Americans enrolled in Head Start and have the opportunity to be involved in Head Start this summer.

Yes, the Republicans are prepared to fight. They are prepared to fight change. They are prepared to fight the chance of economic growth in spite of the fact of this President putting before this Congress, and passing through both bodies, his budget resolution which led to the lowest interest rates in 16 years which now give Americans an opportunity not only to buy a house, many for the first time, but also to build a house; not only to buy a car, but also to build a car.

My colleagues, we see the Republicans falling on their sword to do anything they can through parliamentary tricks in the Senate to prevent a vote from taking place so that Americans could go back to work and our economy will recover. That is what we learned in the first 100 days.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. VOLKMER). The Chair informs the gentleman from California [Mr. MILLER] that Members are not to make direct reference to the other body. All comments are to be directed to the Chair.

#### THE PRESIDENT'S FIRST 100 DAYS

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, this 100-day point of the administration is an appropriate time to assess the wisdom of President Clinton's initial policies and priorities. The President may believe that he has a mandate to enact his social and economic agenda, but by now, public reaction should have taught him that this simply is not so.

By first acting on a far left liberal social agenda, the President alienated much of the country. By reverting to the traditional tax-and-spend philosophy of his political forbears, he has disappointed almost everyone else.

Yesterday, OMB Director Leon Panetta, conceded that the President's agenda is in trouble on Capitol Hill.

Panetta tries to pin the blame on Republicans or international events beyond the President's control. But the American people know where the responsibility lies: in the White House.

The President's first 100 days have been an unfortunate series of blunders, miscues, and flatout errors. To the tremendous disappointment of the American people, his record demonstrates that we do not have a new Democrat in the White House. Mr. Clinton promised to be true to principles, but he has become a slave to politics.

#### CONGRATULATIONS ON A MAGNIFICENT FIRST 100 DAYS

(Mr. OWENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS. Mr. Speaker, the President should be congratulated on a magnificent first 100 days. The President should not listen to the critics who say that he has undertaken too much at one time. It is necessary to attack all the problems on all fronts, at least make a beginning, because we have had 12 years of mismanagement of the Government and 12 years to create the greatest deficit in world history, the greatest deficit in world history.

He should not listen also to the confused voices that come from his own OMB who criticize liberals in the House for obstructing the President's package. I do not know where that came from. Liberals support the President's budget. Liberals supported the passage of the stimulus package. Liberals will continue to support the President. If he wants more cuts, as the American people say they want cuts in the budget, liberals will support the cutting of star wars. Liberals will support the cutting of the CIA and its obsolete operations. Liberals will support the cut of weapons systems that are obsolete.

Mr. Speaker, we will cut the budget. We will support the President. He has made a magnificent beginning, and we hope that he will stay the course and not listen to the voices of confusion and the voices of obstruction.

#### VIOLENCE AND TERROR IN KASHMIR

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, the violence and terror perpetrated by the Indian Government against the people of Kashmir continues to escalate.

The New York Times recently reported that in mid-April, Indian security forces set fire to the commercial center of the Kashmiri capital of Srinagar, dragged citizens from their homes, and murdered more than 125 Kashmiris.



There are also reports of the systematic murder of human rights advocates and critics of the policies of the Indian Government. In recent weeks, two prominent Kashmiri physicians have been murdered by unidentified gunmen believed to be acting on Government orders.

All this is further evidence of the Indian Government's deliberate policy of terror directed toward the occupied State of Kashmir.

Since 1948, India has refused to comply with U.N. resolutions that would allow the people of Kashmir to decide their future by plebiscite.

The entire international community must press India to allow the people of Kashmir to be given the opportunity to decide Kashmir's future.

In the meantime, Congress should consider, at the very minimum, terminating all development assistance to and military maneuvers with India. The United States cannot continue to ignore the massive violations of human rights by the Indian Government.

□ 1450

#### REVERSING 12 YEARS IN 100 DAYS

(Mr. BLACKWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKWELL. Mr. Speaker, with only 100 days passed in President Clinton's term, the chorus of critics rings loud and clear.

In public, they say that the President has dragged his feet and failed to bring about promised changes.

Behind closed doors, however, they plot ways to maintain a status quo that wreaked havoc on the hard-working men and women of this Nation for 12 years.

One would think that it would be an impossible task to reverse 12 years of decline, debt, and deceit in 100 days, but President Clinton has taken great strides in a short period of time.

After years of failed leadership, the President took the bold step of signing the Family and Medical Leave Act into law, giving millions of hard-working Americans a much deserved sense of job and family security.

The President won approval for his 5-year budget plan in record time, a plan that provides \$514 billion for deficit reduction, and invests in the American people at the same time.

And, most importantly, the President has put the issue of health care at the forefront of his agenda by creating the task force to research and draft a comprehensive solution to the health care crisis that currently plagues 33 million Americans.

In addition, by creating a task force on homelessness, the President has demonstrated a commitment to helping all Americans, regardless of economic status.

All the while, interest rates have gone down, this year's deficit is on course to be lower than last year's and millions of Americans are realizing dreams that were crushed during an era of greed and despair.

So, to the President's critics, I suggest that while these 100 days have been marked by a certain degree of uncertainty, our economy and our country are finally awakening from a dark and numbing sleep.

#### H.R. 5—UNION POWER GRAB

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, there is a dangerous piece of legislation coming before this body—H.R. 5, the Strike Incentive Act. Proponents of this measure to trying to sell it as a necessary piece of legislation to restore balance to the labor-management process. But their packaging job contains more than a few myths.

They are telling us that there was an increase of violent strikes in the 1980's, when in reality there were fewer violent strikes in that decade than in any other since the 1938 Mackay decision.

They are telling us that in the 1980's the right to strike eroded severely. They say that the use of permanent replacements escalated dramatically in the 1980's, and that employers use permanent replacements to bust unions. Wrong on both counts.

Mr. Speaker, the fact of the matter is that labor unions are losing membership, popularity, and political clout. They have come to this body with a desperate plea to restore their viability with H.R. 5. American laborers are choosing not to join these unions, and this body has no responsibility nor right to mandate their popularity and power.

Mr. Speaker, we must not involve ourselves in such a desperate grab for power. I urge my colleagues to vote "no" on H.R. 5.

#### SPENDING OUT OF CONTROL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the following studies might explain why taxpayers are fed up.

Uncle Sam spent millions to determine whether marijuana makes rabbits susceptible to syphilis. I did not know that rabbits were getting high.

Millions have been spent to prove that massive losses of blood causes laboratory mice to die. No kidding, Sherlock.

Millions have been spent to prove that the sonic booms from jet airplanes cause little sheep to have ear damage. Ridiculous.

The bottom line, Mr. Speaker, is that when Uncle Sam spends \$3 million to find out if smoking dope will cause the Energizer Rabbit to get VD, spending is out of control, and nobody can blame that on President Clinton. It is time to put the microscope on ourselves.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

Mr. SPEAKER pro tempore (Mr. VOLKMER). The Chair will remind those in the gallery that there is no applause permitted from the gallery in the House. We appreciate your decorum. You may attend, but no applause, please.

The Chair recognizes the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Shucks, Mr. Speaker, you said that just before my remarks, but I am requesting permission for 1 minute and for an extension.

#### INTRODUCTION OF LEGISLATION LIMITING PAC CONTRIBUTIONS

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, there are a lot of visitors in our gallery today, and I would like to welcome them to this session of the House of the U.S. Congress.

Mr. Speaker, an important question before the Congress is whether we should enact campaign finance reform to reduce the excessive influence of special interest lobbyists.

Consider for a moment that all three Presidential candidates during the last election recognized that special interest lobbyists, with their millions of dollars in campaign contributions, were deciding too often what ends up in legislation and in appropriations.

Today I am introducing a bill, cosponsored by many of my colleagues, that will limit PAC contributions to \$1,000 per candidate per election—and will limit the PAC money to the amount that can be raised by individual contributions from within a congressional candidate's own district. There should be no question as to whom a congressperson owes their allegiance.

In the 1992 elections, PAC's were estimated to have contributed over \$160 million to congressional candidates.

Mr. Speaker, I am convinced that when a congressman's time is limited, preference is given to the special interest lobbyists that make contributions to the campaign over those who did not contribute. That preference results in undue influence. Those that "bend the ear" for a congressperson bend the legislation.

It is time to either ban PAC contributions or limit their contributions to \$1,000 per election—the same as an

average citizen can give. We should also impose limits, as called for in this legislation, on the percentage of money a candidate can receive from PAC's.

Mr. Speaker, many of my freshmen colleagues stand ready to support a strong campaign finance reform measure, that will reduce the undue influence of political action committees and lobbyists. The American people clearly have the perception that most politicians in Washington are bought and paid for, and we must end that perception by having real campaign finance reform.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair wishes to remind the gentleman from Michigan [Mr. SMITH] that not only is the gallery not to applaud but no Members in their speeches are to address the gallery. They must address the Chair.

#### CHARTING A NEW COURSE

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, to my friends on the Republican side, I am not surprised that you are unhappy with the first 100 days. Change is always hard. I guess it is to be expected that advocates and architects of the old ways are a little upset these days.

After all, the former administration was more about holding power than using it to accomplish anything in particular. And it must be difficult to see this old order, in which you had so much invested, being challenged and changed.

You must remember, however, that President Clinton was elected in a very deliberate rejection of that old order. We have tried it your way, and this 12-year experiment resulted in a severe economic recession—a jobless recovery—a quadrupling of the national debt—skyrocketing health care costs—and declining living standards.

These problems were not of President Clinton's making, but he is already moving quickly and decisively to solve them. In his first 100 days, he's charted a new course based on fiscal responsibility, long-term investment, and fairness. He has offered, and we have passed in record time, a responsible budget and long-range deficit reduction plan. He has tackled the health care problem head-on, with more vigor, attention, and determination in these short 100 days than we have seen in the past dozen years combined.

The President has made a good start. He is moving the Government from stagnation to innovation; he is taking a nation that has been idling in neutral and putting it in gear, shifting from can't do to can do, from stop to go.

In a democracy, especially, change is not always neat and orderly. It is a time-consuming, often difficult process. But given the difficult challenges that we face, I am grateful that we finally have a President who's responsible enough and cares enough to do the right thing—to chart a new course for the Nation—one that can help assure a future for our children that we can be proud of.

□ 1500

#### PRESIDENT CLINTON CONFRONTS FOUR SERIOUS CRISES, LOOKS TO CONGRESS FOR SUPPORT

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, it is 100 days into the Clinton administration, which means the President should have solved all the Nation's problems. So let us ask: What has the President done to address our four most serious national crises?

The deficit: We have emerged from the decade of greed with a mountain of debt that is growing at a pace of \$300 billion per year.

Clinton's response? He passed the most far-reaching, deficit reduction blueprint that the Congress has ever seen.

The economy: It has been in the dumps since 1991. Millions are now out of work, corporations continue to restructure, and store fronts all across America advertise going out of business sales.

Clinton's response? A stimulus package to get our economy moving. Unfortunately, the same people who denied there was a recession in 1991 and 1992 think our economy is doing just fine, thank you, and they killed the package.

Health care: Costs are skyrocketing, and 35 million Americans do not have health insurance.

Clinton's response? He has gathered the Nation's top health experts to put together an ambitious plan to cut costs and provide care to millions of Americans.

Crime: We have an epidemic of crime and drugs that is so severe, European governments are warning tourists not to come to America.

Clinton's response? He called for \$200 million for community policing, and he has asked Congress to pass the Brady bill.

The President deserves credit for aggressively moving to address these crises. Now it is up to Congress to make the second 100 days as successful as the first.

#### ADMINISTRATION'S BROKEN PROMISES SOWING SEEDS OF DISTRUST

(Mr. GRAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAMS. Mr. Speaker, during his campaign for the White House, candidate Bill Clinton boasted that his administration's first 100 days would be the most productive in modern history. He was going to focus on the economy like a laser beam.

Well, so far, the most historic achievement of the Clinton's Presidency's first 100 days has been the record rate at which the President has broken, backed off, or amended his campaign promises.

Last summer, candidate Clinton said he would have a plan ready on day one to totally eliminate the deficit in 5 years. But President Clinton was not only 60 days late, he was \$300 billion short of keeping his promise.

He also promised to cut spending to pay for his programs, but President Clinton has proposed more than \$300 billion in new taxes, and nearly \$200 billion in new spending, to pay the bills.

Candidate Clinton also promised that if he were elected only millionaires would pay higher taxes, but now President Clinton has proposed new taxes for middle-class Americans making as little as \$20,000 a year.

Mr. Speaker, President Clinton's first 100 days have resulted in 100 broken promises. It is time for the Clinton administration to start dealing seriously not only with the budget deficit but with the growing trust deficit this administration has with the American people.

#### TRIBUTE TO CESAR CHAVEZ

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, I rise today to memorialize one of the great labor and civil rights leaders in our history, Mr. Cesar Chavez.

Cesar Chavez singlehandedly organized the United Farm Workers in California, and the movement soon spread throughout the Nation and the world.

Throughout his life and in his final days he remained with his people, sharing their plight and instilling them with hope and human empowerment.

Ghandian in his philosophy, he never promoted violence. Rather, his boycotts, strikes, and fasts were successful in achieving better wages and working conditions for the rural poor. He also did not allow his anger to alienate him from society or obscure his love for our country.

Mr. Chavez serves as an inspiration and a symbol not only for the Latino



community, but for all of us. He was a man of compassion and humility, yet a giant in the struggle for justice, human rights, and dignity for all people.

The fruits of his work can be found in all the young people who are well educated and filled with hope, despite being the sons and daughters of migrant farm workers. Yet for all the people who have been touched by his vision, there remain so many more who need to be empowered and instilled with the promise of a better tomorrow.

Cesar Chavez accomplished more than most in his lifetime—but his work remains unfinished. His work is ours and through this, his legacy will be carried on.

#### INTRODUCTION OF LEGISLATION TO TAKE INFRASTRUCTURE TRUST FUNDS OFF BUDGET

(Mr. KIM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIM. Mr. Speaker, today I am introducing legislation that would take the infrastructure trust funds off budget. I urge my colleagues to join me as cosponsors.

Imagine the millions of jobs we could create if these trust fund surplus moneys were spent when they should be spent. Rather than being used to manipulate the Government accounting books.

Today the trust funds are counted as part of the budget. By artificially keeping large surpluses and counting them as revenue, the administration is making the deficit seem less than it really is. The cost of this deceptive, dishonest accounting practice has been lost job opportunities and public disillusionment with Congress.

Mr. Speaker, it is time to restore public confidence in the trust funds and treat them as the truly separate accounts they were meant to be. My bill does just that. It is honest, responsible accounting that deserves the support of every Member of Congress.

#### PRESIDENT CLINTON'S FIRST 100 DAYS

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, most of President Clinton's first 100 days were also my first 100 days as a Member of this 103d Congress. I would like to talk about some of the things the President has accomplished that have not been talked about by the previous speakers.

Mr. Speaker, in his first 100 days President Clinton issued an Executive order on executive appointee ethics, which restricts or limits ways in which senior executive appointees may profit in the future from their experience while serving the President.

He abolished the Council on Competitiveness, which was criticized as a back door for polluters who circumvented U.S. laws.

He established the National Economic Council to coordinate economic policymaking among all relevant departments and offices of the Federal Government.

Revoked the Bush administration Executive orders on Federal contracting, thereby reducing Government intrusion into workplace relations.

He signed the Family and Medical Leave Act.

Announced reduction and reorganization of the White House staff; Executive Office of the President staff to be reduced by 25 percent, or 350 positions in the next fiscal year.

Signed Executive orders on greater efficiency and fiscal responsibility in Government: 14-percent reduction in administrative costs by fiscal year 1997, a savings of \$16 billion in taxpayer's money.

Announced a child immunization initiative to provide more vaccines for children, saving taxpayers \$10 in avoidable health care costs for every \$1 invested in vaccinations.

Began initiative to reinvent Government, names Vice President GORE as head of National Performance Review to cut spending and increase efficiency throughout the Government, agency by agency.

Signed the Emergency Unemployment Compensation Amendments of 1993.

Revoked the Bush administration proclamation that suspended the Davis-Bacon Act of 1931 within areas struck by Hurricanes Andrew and Iniki.

Announced initiative to alleviate the credit crunch.

Outlined plan for defense conversion and reinvestment.

Developed economic plan and aid to Russia.

Held Forest Conference in Portland, Oregon.

Signed legislation providing for the National Commission to Ensure a Strong Competitive Airline Industry.

Issued Executive orders to increase the use of alternative fuel vehicles in the Federal fleet, reduce the Federal use of ozone-depleting chemicals and require Federal agencies to use energy efficient equipment.

Submitted sweeping education reform legislation, "Goals 2000."

Declared Pennsylvania and other States Federal disaster areas after the March snowstorm, making Pennsylvania eligible for emergency snow clean-up aid.

Mr. Speaker, there are many other things. In essence what Bill Clinton has done is he has reversed the tide from flowing in a negative direction to a positive direction, and we should join him.

#### TRIBUTE TO AMERICAN FIRE AND EMERGENCY SERVICES LEADERS

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, I rise today to officially welcome and pay tribute to the thousands of leaders of the American fire and emergency services who have assembled in Washington today for their fifth annual national dinner. This morning and all day on The Mall firefighters are going through a rigorous series of challenges that were keynoted this morning by ten Members of this body, five from the Democratic Party and five from the Republican Party, who engaged in a competition. Unfortunately, my Democratic colleagues won. But the focus was to feature the kinds of needs that firefighters have in America when responding to disasters every day that they are in fact working on.

Mr. Speaker, this afternoon seminars are going on all over the Hill as Members meet with their constituents who are involved in the emergency service network. Tonight 2,200 of these fire service leaders will assemble in the Washington Hilton for the Nation's largest dinner, to hear AL GORE speak to their needs and concerns, as well as Republican and Democrat House and Senate Members, as well as the fire chief of Sarajevo, who has joined us to talk about the special problems he is experiencing in his country, as well as the fire service leaders of the emerging Republic of Russia and Moscow.

Mr. Speaker, I ask my colleagues to join with us in this event tonight to pay tribute to these true American heroes.

#### THE ESSENCE OF REFORM

(Ms. SHEPHERD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEPHERD. Mr. Speaker, this week President Clinton is expected to issue his recommendations on campaign finance reform.

When the freshman Democrats issued our task force report on March 31, we advanced campaign finance reform as the keystone of our entire reform agenda. Cleaning up campaigns is a necessary first step in restoring confidence in the Congress. Voluntary spending limits, strict new limits on PAC's and independent expenditures and on soft money are essential.

Mr. Speaker, no single action that we advocate as a class is more important than meaningful campaign finance reform. When the president's package is sent up here in the next day or two, we urge you to take decisive action to see that it is considered quickly.

We will work with you and the President to pass a tougher bill than the one

vetoed by President Bush last year. And in so doing we will begin the important process of renewing the faith of the American people in their Government.

#### PRESIDENT CLINTON'S FIRST 100 DAYS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, no matter what kind of face my Democrat colleagues try to put on President Clinton's first 100 days, it is still an abject failure. What has he offered the American people? He has offered \$402 billion in new taxes and fees. Is that hope; \$402 billion in new taxes and fees? I do not think so.

And now Hillary Rodham Clinton, her health care proposal that she said was going to cost us about \$90 billion, now they are telling us it is going to cost between \$145 billion and \$200 billion.

When we add all of this together, when we add all this together, we are looking at \$550 billion to \$600 billion in new taxes and fees that is almost triple, triple the largest tax increase in U.S. history.

That is going to help get this economy moving?

I give this administration no better, no better than a D minus, and I hope all of you guys and ladies on the other side of the aisle, when you go home, I hope you will explain to the American people these \$550 billion in new taxes you are going levy upon them; \$550 billion, \$550 billion.

#### LET US CHOOSE PARTNERSHIP OVER PARTISANSHIP

(Ms. CANTWELL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CANTWELL. Mr. Speaker, Congress has faced some tough decisions during the first 100 days. We have reduced the deficit by over \$496 billion, over 150 specific different spending cuts, and there will be more tough decisions ahead.

America is at a crossroads, and there is no easy path into the future. The American people know that, and that is why they have sent us here, to make tough decisions.

During the first 100 days, the President has moved swiftly and given us a budget that is truthful. He has reduced the deficit and tried to lay a foundation for long-term economic prosperity.

Do we continue to focus on the differences in the first few steps that we have taken? Or do we focus on the path that we must go down together?

I call on my colleagues on both sides of the aisle to stop bickering and start

building, to choose partnership over partisanship, that we all can work together to solve these problems, but these are tough decisions.

Tough decisions must be made for real change.

#### BOSNIA

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, we already talked about taxes. I said, read President Clinton's lips. More new taxes. But it is 100 days, so we would expect that.

I have to tell my colleagues, though, his domestic policy is in chaos. His domestic priorities are shortsighted, and the Democrat President and the leadership are in question.

We have seen lots of trial balloons. I see them as lead balloons.

And now the Clinton bombing trial balloon for Bosnia is about to blow us apart. We must ask the President these questions:

What is our policy? Is there a real goal? And more importantly, where is the threat to the United States?

Mr. Speaker, these important questions must be addressed to the American people.

Mr. President, why do you not tell us, the American people, what you really mean?

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. VOLKMER). The gentleman from Texas is reminded by the Chair that the gentleman must address the Chair and not the other body or the President.

#### ANOTHER VIEWPOINT ON THE FIRST 100 DAYS

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, Bill Clinton has been our President for 100 days. And the people trying to freeze our Nation from growth and renewal are unfairly criticizing him.

Speaking for America's cities, as chairman of the congressional urban caucus, I rise to applaud the President for the strides he has made thus far. This President has made tremendous progress in 100 days—to reverse more than 4,000 days of neglect, division and pain.

His economic recovery package would cut the structural deficit by \$137 billion over 5 years. At the same time, his plan would drastically increase spending for programs important to our cities. The urban caucus reported

that the President's economic recovery plan would mean upward of \$103 billion in new investments for cities.

Bill Clinton wants to rebuild urban America and empower its people by putting them back to work. President Clinton's plan represents a fundamental shift in policy toward our cities: the Federal Government is committed to helping our cities to once again become American engines of economic growth.

As chairman of the congressional urban caucus, I commend the President for the progress he's made in this short time. Mr. President, we have hundreds and hundreds of days left. I look forward to working with you to move this program ahead and break the Republican gridlock which threatens our program.

#### LINE-ITEM VODOO

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the Wall Street Journal scored a point for candor when it called expedited rescission, line-item voodoo. The rescission bill we may vote on later today is, in fact, much ado about next to literally nothing. Despite the rhetoric, this bill make only slight changes in our current budget process—which cries out for radical overhaul not minor tinkering. It will not cut the deficit; it will not chop the waste; and it will not make the big spenders in this body any more fiscally responsible. What it will do is allow the Democrat leadership—which has long opposed a true line-item veto—to claim it has finally done something. As one Member from the other side said in an unusual moment of candor, the real reason for today's charade is to get the issue of line-item veto off the table. I would say shove it under the rug is more like what the Democrats are trying to do. If the Democrat leadership were serious about true line-item veto we would not be talking about this fakery labeled expedited rescission. We would be dealing with the line-item veto.

#### WORKER MEMORIAL DAY

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, today is worker Memorial Day, a day we set aside to remember those who have lost life or limb on the job. In manufacturing plants across the Nation today, employees will observe a moment of silence to bring attention to the issue of workplace safety.

I am pleased to report on this occasion the superior job being done at the Mead Paper Co. in Chillicothe, OH.



Mead paper is one of the three safest paper producing plants in the Nation and has completed over 2,800,000 continuous employee work hours of operation without injury.

Mr. Speaker, Mead is dedicated to providing a safe working environment to its employees through an innovative and extensive training program that includes 2-full days of on-site training and 4 hours of chemical awareness protection. I believe this program could serve as a model to other paper producers.

I congratulate the employees and management of Mead Paper on their excellent safety record, and encourage them to keep up the good work.

#### H.R. 1885, A PRIVATE SECTOR JOB CREATION AND ECONOMIC GROWTH BILL

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, many of our friends on the other side of the aisle have criticized Republicans, saying that we did nothing but block the President's so-called stimulus bill.

Frankly, they are wrong, Mr. Speaker, because we, as Republicans, have offered a positive alternative.

I have introduced H.R. 1885, which is designed to be a private sector job creation and economic growth bill.

□ 1520

What it does is it creates a capital gains tax reduction to stimulate private investment. It has a freeze on Federal spending. It has a moratorium on new regulations being imposed on the private sector of the economy, and it expands individual retirement accounts so that we can get long-term dollars out there into the private marketplace.

We do, as Republicans, offer an alternative. It is a meaningful, private sector job-creation measure, Mr. Speaker, and I hope the Democrats will join us as Republicans to offer this positive solution to a very serious problem.

#### INVESTING IN JOBS

(Mr. APPELEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPELEGATE. Mr. Speaker, 100 days? The fact of the matter is it has only been 45 days since the Congress has been in session while Bill Clinton has been President.

The President has offered a good legislative program, but my Republican colleagues and friends over here have returned to their old tricks through gridlock to stop it. They filibustered the stimulus bill to death.

Sure, they support the unemployment compensation provision. That is

easy. You can do that easy and get away with it.

So they encourage unemployment and they killed off 500,000 jobs. People must be scratching their heads over that one.

I say why do we not put our bucks in our own people and in the jobless, and put them back to work. Think about it.

#### AMERICANS NEED JOBS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, the election last November was a clear mandate for change in this Nation. I think voters across this country were sick and tired of the gridlock in Washington that resulted in problems being ignored and not solved.

Unfortunately, because of actions in the other body several weeks ago, the President's jobs bill has been at least sidetracked. That is unfortunate not just for the President and his party, but for the hundreds of thousands of Americans who will be looking for jobs this summer and this year.

A lot of people have criticized these jobs. Even the gentleman from Texas, Mr. Perot, said that these are only 1-year jobs. Let me tell Members that where I come from people are looking for work. They will take 6 months, they will take a year. They would be glad to have their kids in college working this summer. To them it is very important to their family.

To mock the efforts of President Clinton, who is trying to put forward a jobs plan to get this country moving again, I think is to ignore the clear mandate of the last election. Let us hope in the next 100 days of this administration that we will have more cooperation, more bipartisanship, and less of what we have seen over the last several weeks.

#### PROVIDING FOR CONSIDERATION OF H.R. 1578, EXPEDITED RESCISSIONS ACT OF 1993

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 149 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 149

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1578) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed two hours, with one hour to

be equally divided and controlled by the chairman and ranking minority member of the Committee on Rules and one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations. After general debate the bill shall be considered as read for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part 1 of the report of the Committee on Rules accompanying this resolution. The amendment in the nature of a substitute shall be considered as read. No amendment to the amendment in the nature of a substitute shall be in order except those printed in part 2 of the report of the Committee on Rules. Each amendment may be offered only in the order printed, may be offered only by the named proponent or a designee, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. DURBIN). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

#### GENERAL LEAVE

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DERRICK. Mr. Speaker, House Resolution 149 makes in order the consideration of H.R. 1578, the Expedited Rescissions Act of 1993. The resolution provides for 2 hours of general debate, 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, and 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations.

The resolution makes in order as an original bill for the purpose of amendment an amendment in the nature of a substitute printed in part 1 of the report accompanying the resolution.

No other amendment is in order except those printed in part 2 of the report, which shall be considered as read and considered only as specified in the report, which is as follows: first, an amendment in the nature of a substitute by, and if offered by Representative CASTLE or Representative SOLOMON, or a designee, debatable for 1 hour, equally divided and controlled by the proponent and an opponent; and second, an amendment made in order only to the Castle-Solomon amendment by, and if offered by Representative MICHEL or a designee, debatable for 30 minutes, equally divided and controlled by the proponent and an opponent.

The amendments are not subject to amendment or to a demand for a division of the question in the House or the Committee of the Whole. The resolution waives all points of order against the amendments printed in the report. In the case of the Michel amendment all points of order are waived only as it pertains to the Castle-Solomon amendment.

The resolution provides that any Member may demand a separate vote in the House on any amendment to the bill or the amendment in the nature of a substitute made in order as original text. Finally, the resolution provides for one motion to recommit, with or without instructions.

Mr. Speaker, in his State of the Union Address delivered in this very Chamber on February 17, our new President outlined a bold plan to restore the American dream for us and our children.

The President's plan represents a drastic change from the status quo. The President wants to reject the policies and practices of the past which have quadrupled our debt and left many Americans believing their Government doesn't work. The people want change, and the President's program offers change for the betterment of our Nation.

The legislation made in order by this rule would give the President one of the key changes he has sought, and which I believe we desperately need: A modified line-item veto.

Mr. Speaker, we all know wasteful spending sometimes occurs because individual items can escape scrutiny by being submerged in large appropriations bills.

Under current procedures a President cannot strike out individual items in appropriations acts. He must sign or veto the whole act, whatever the consequences. H.R. 1578 would give the President an option he does not now have.

Under H.R. 1578, within 3 days of signing an appropriations act the

President could send the House a message and bill proposing to rescind, or cancel, individual spending items in that act.

The President's proposal would be referred to the Appropriations Committee. That committee must report it to the floor without amendment within 7 days. The House must vote, up or down, on the President's bill within 10 days of introduction. During this time the funds would not be spent. If the bill passed the House, it would go to the Senate for expedited consideration there, and if passed by the Senate, on to the President for his signature.

To avoid the possibility a President might use this procedure not primarily to reduce the deficit, but instead to promote his own pet projects, H.R. 1578 would allow the Appropriations Committee to report to the House, simultaneously with the President's bill, an alternative. To qualify for expedited consideration, the committee's bill must propose to cancel spending from the same appropriations act the President drew his rescissions from, and it must propose to cancel an amount of spending equal to or exceeding the President's total.

If the committee reported an alternative, the House would first vote on the President's bill; if adopted by a majority vote, the President's bill would go to the Senate for expedited consideration and the alternative would not be in order. If the House rejected the President's bill and passed the alternative, that bill would go to the Senate instead.

The Senate Appropriations Committee could also report an alternative bill. But it would not be in order to consider anything but the President's bill until the Senate first voted on and rejected the President's bill. The President is thus guaranteed a vote on his proposal.

If both Houses ultimately passed an alternative bill instead, then those funds would be canceled. Thus, under H.R. 1578, if either the President's bill or an alternative bill passed both houses, spending will be cut and the American taxpayer would be the big winner.

Mr. Speaker, the President supports H.R. 1578 because he believes with a modified line-item veto millions and perhaps billions of dollars might be saved. These are dollars which our taxpayers worked and earned by the sweat of their brows and sent to Washington to fund the essential activities of Government, not to be squandered on ridiculous pork barrel projects.

This bill gives the President the tool he needs to block pork barrel projects like asparagus research, renovating Lawrence Welk's birthplace, or studying the aggressive tendencies of fish in Nicaragua. It will give the President the ability to force Congress to go on the record regarding researching cock-

roaches, or why people fall in love, or building schools for North Africans in France.

Mr. Speaker, these kinds of pork are an embarrassment which we can clearly not afford. The American people won't stand for them, and we haven't any business asking them to do so.

Quite simply, H.R. 1578 will create accountability. No longer will a President be able to sign an appropriations act containing wasteful items and claim he was powerless to block them.

No longer will Congress be able to force upon the President the dilemma of vetoing an entire act and shutting down the Government, or signing the whole thing, bacon and all. If Congress wants to appropriate funds for these purposes, then a majority of either House need only stand up and be counted. If the President does not want them, then he has the responsibility to send them back. It is that simple, and I believe it will work.

Mr. Speaker, last year I held extensive hearings in my subcommittee on various legislative line-item veto proposals, and brought the forerunner of H.R. 1578 to the floor, where it passed by a vote of 312 to 97. The bill before us today is, in my opinion, a better bill than last year's. It deserves our strong support.

The rule also deserves our strong support. It makes in order a Republican substitute, an amendment thereto offered by the minority leader or his designee, and it does not restrict the motion to recommit. Many issues have already been worked out; the rule will allow a full airing of the remainder. I urge all Members to support the rule and the bill, and I reserve the balance of my time.

□ 1530

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to welcome my colleagues to the "Hour of Power." This occasion is truly a sign of just how powerful the Rules Committee is, since today we are beginning the third hour on this rescission rule under what is called the 1-hour rule. And Mr. Speaker, only the Rules Committee can turn 1 hour into 3.

My colleagues will recall that on April 2, when we first took up this rule, we debated it for nearly the full hour allotted, and then we were treated to a 15-minute quorum call that stretched into more than another hour.

Did it really take the House that long to achieve a quorum? No; 405 Members had already answered to their names after the requisite 15 minutes, and that did not change any over the next 45 minutes.

But the Democrat leadership was apparently not altogether satisfied with that turnout for some reason because it continued to roam the floor and the corridors looking for certain Members.



And when the Speaker finally banged his gavel, and announced the presence of the same 405 Members who had been sitting around for that whole hour, the majority manager for the rule announced that he was withdrawing it.

Mr. Speaker, I had hoped that all this was a sign that the Democrat Party in the House was about to turn into true, small-d democrats again, and send this restrictive rule back to the Rules Committee to open it up to additional amendments.

But my hopes for an Easter miracle in this House have been dashed on the rocks of reality, and we are back here once again for the third hour on this same old rule.

Mr. Speaker, this rule, House Resolution 149, which makes in order this expedited rescission bill, is the 10th consecutive modified closed or closed rule reported in this Congress. Not one rule has been fully open to amendments.

Over the last 3 months, we on the Republican side have been trying to impress upon our Democrat colleagues and the American people that when we complain about closed rules we are not simply engaging in some procedural, partisan tantrum. We are instead trying to warn against what we perceive as the intentional undermining of our democracy in this House. And it is happening right here in the people's House, of all places.

Mr. Speaker, sometimes it is hard to convey to the average citizen what all this fuss over restrictive rules is about. But when you tell them that they are being robbed of their full right to representation in the House of Representatives because a committee says their Congressman cannot offer amendments, they begin to see things in a different light.

As a matter of fact, they begin to see red.

I would have you read these letters from West Virginia, Tennessee, Kentucky, Ohio, Alabama, Florida, California, everywhere in the Nation; people are beginning to wake up.

Mr. Speaker, things have gotten so bad that our Republican leadership has found it necessary to create a task force on deliberative democracy in the House to try to restore full voting and amendment rights to Members, and full representational rights to the American people.

I am privileged to chair that task force for our leadership, and we have a good group of Republican Members on the task force who have vowed to fight to reopen This People's House to the people. And we will not give up ladies and gentleman.

Several days ago, we issued our first report in which we concluded that deliberative democracy is in a dangerous state of decline in the House, and if that decline is not reversed, we are going to get bad bills, bad policies, and more bad marks from the American people. How much worse can they get?

This Democrat leadership policy of closing down bills to amendments is undermining our democracy and the people confidence in their government. The majority Democrat leadership seems to think that the people are going to applaud them for ending gridlock, even if it means putting democracy under a strong-arm hammerlock.

Well, I have got news for you. The people I have been hearing from around the country that I have just mentioned, letters from South Carolina, and Utah, from all over for instance, do not like what is being done to them by these rules one bit. They want back into their own House and they want in now, ladies and gentlemen. It is going to come back to haunt you.

Today, we have another restricted rule that allows for just two amendments. And, while one of those two amendments happens to have my name on it along with 43 freshman Republicans, I cannot support this rule, because you are gagging the American people.

Instead, I offered in the Rules Committee a substitute open rule that would have specifically allowed our Republican leader to amend the so-called Spratt bill that is the base text of the bill by allowing any President whoever he might be, to line out special pork in this form of special tax exemptions. Nothing more aggravating than to have some industry in Chicago get a special break when some industry in Albany, NY, has to pay the full price. That is wrong.

And yet, the Rules Committee turned down the Republican leaders's request to have that amendment made in order to the base bill. What have we come to as a House when the majority Democrats on the Rules Committee coldly and callously stiff the Republican leader?

Mr. Speaker, I do not think it is unreasonable on something as important as the issue of line-item veto to have an open amendment process.

This is not the Tax Code, let alone rocket science.

I do not think it is unreasonable to have process where by we try to reach a consensus approach that takes the best from both parties the best from all Members of this House regardless of party.

That was the message the American people really had for all of us last fall. Stop your partisan gamesmanship and bickering and work together for the good of the country. That is the message I heard.

□ 1540

And yet it is difficult to work together when the majority leadership says, "Most Members of this House don't deserve to participate in the legislative process. Their ideas aren't worth it. Their amendments aren't

worth it. And the people they represent aren't worth it. You had better start thinking about that, ladies and gentlemen.

"Instead, we are going to substitute the wisdom of a few Democratic leaders and a couple of Rules Committee members for the collective judgment of 435 Members and your constituents."

That is what the Democratic leadership is saying by these rules. Well, I for one say the time has come to stop being elitist, stop the "pappa knows best" attitude which treats the rest of the Members and their constituents like children.

Ladies and gentlemen, you can vote down this rule. We can come back with an open rule, and every single one of you, every single one of you, like the Wall Street Journal says here right now, "The push to replace the line-item veto with a sham substitute is typical of how Congress is dealing with reform in this session. It is faking it." And that is why you and I and the rest of this body are held in the lowest esteem in history. You ought to be ashamed of it. You ought to vote down this rule and give us a fair shot on the floor of this House.

Mr. Speaker, I reserve the balance of my time.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the rule before this body is fair. It gives the Republicans their chance. It gives the Democrats their opportunity. And through the means of recommittal, it gives the Republicans an opportunity to put anything they want to in a motion to recommit, provided it is germane. No rule that could be fairer.

Having said that, I yield 1½ minutes to the distinguished gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. I thank the gentleman for yielding this time to me.

Mr. Speaker, President Clinton ran for President as a new Democrat, as a Democrat who is fiscally responsible.

He had a message, a message that just because you are a Democrat does not mean you are an economic fool.

There is a \$4 trillion debt that exists in this country, a cancer on our country, a cancer that is affecting our lives and our children and our grandchildren. And that \$4 trillion debt has occurred under Democratic and Republican Presidents. It has occurred under Democratic and Republican Congresses.

Before I came here, I served 10 years in the Florida Legislature, where I served under both Republican and Democratic Governors, who used the line-item veto well and successfully for the State. This is an opportunity for the United States to join 43 other States in this country and have a line-item veto that works.

Make no mistake, the vote on the rule is the vote on fiscal responsibility.

Use words and make expressions, anything you want, but that is the true vote, as the National Tax Union has said and all of us know here today.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to our distinguished Republican leader, the gentleman from Illinois, Mr. BOB MICHEL.

Mr. MICHEL. Mr. Speaker, I rise to strongly urge my colleagues to vote against the rule before us today providing for consideration of the Expedited Rescission Act and applaud the gentleman from New York, [Mr. SOLOMON] for his remarks made earlier on the leader's behalf with respect to the amendment we have pending.

It is yet another closely structured rule presented by the Democratic majority of the House to reach the outcome that the Democrats' desire.

Now, if this rule is agreed to, the Democrats could then probably pass an imposter for the line-item veto and tout it to the American people as real action on a presidential line-item veto.

I do not know how many of you saw the Wall Street Journal this morning, but they editorialized forcefully this morning that the Democrat's proposal is a sham substitute for the line-item veto.

Yes, this rule does allow consideration of a Republican substitute, a real legislative line-item veto. And it also allows for consideration of my amendment to include special tax provisions as items that may be vetoed by the President.

But my amendment is allowed only as an amendment to the real legislative line-item veto to be offered by Representative CASTLE, a proposal that we do not quite possibly have the votes to pass in this body. My amendment was not made in order to be offered to the Democratic proposal, as I had requested of the Rules Committee, because it may jeopardize passage of the Democrat leadership position. My amendment, having to do with tax trinkets in addition to pork barrel spending on appropriation bills, has gained much popularity. The rule does preclude other amendments sought by Members to improve the bill. Amendments advocated by any Member, including Members on the Democratic side, freshman Members, that may jeopardize the ultimate conclusion sought by the Democratic leadership have been squelched by this rule.

So we really ought to have, as far as this Member is concerned, an open rule that also allows for consideration of my amendment that would allow, as I indicated, special-interest tax provisions to be vetoed by the President, as well as appropriation provisions.

By way of quick review, when we passed the tax bill in the last Congress, H.R. 11, it contained over 50 specific special interest tax provisions there that had nothing to do whatsoever with

the original intent of the tax bill, and that was to fund enterprise zones for the cities as a result of the Los Angeles riots.

So a tax bill can be completely loaded up with special interest tax provisions by the Congress; not by the administration. The President ought to have an opportunity to remedy that. It is a very popular amendment that I conceived earlier on, and we would like to have it made in order to the base bill, which obviously has the most support because of the numbers game in this House. We are outnumbered on the Republican side by 83 votes. And so it takes much more than a unanimous vote on our side to pass anything around here—we need a significant portion of the votes from the Democratic side. In my opinion, considering the special-interest tax provisions is a legitimate issue. It should be debated in relation to presidential line-item veto authority of appropriation items.

Since this is not an open rule and since this is an attempt by the Democratic majority to guarantee passage of a mere shadow of a line-item veto, thereby precluding consideration of a real line-item veto, I urge a "no" vote on the rule.

I want to direct my attention particularly to some of our new freshman Members who came to this body particularly espousing a line-item veto. I have always supported a line-item veto, going back to the Carter administration days, I believe it is a good management tool. But it has got to have teeth if it is going to be worth anything and not simply expedited rescission, which, for all practical purposes, is speeding up the existing process by 25 days.

I urge all of the Members on our side, including our freshman Members, who may very well have come to this Congress thinking they are going to have an opportunity to vote on a line-item veto, to make the sharp distinction between what is real and what is phony. If we all stand together as a body and make the case that the Democrat's proposal is not a real line-item veto, it will make sense to the American people because they say you cannot have 176 people on our side of the aisle be wrong.

This position is a judgment call on our part in the leadership, but we think it is a good one. And we have made some good progress in the last couple of weeks sticking together as a body and making our point in no, unmistakable, terms. That is the way you eventually get things done around here.

Mr. Speaker, I urge my colleagues to vote "no" on this rule until we get a better one that gives us the opportunity to do what the American people really want.

Mr. DERRICK. I yield myself such time as I may consume.

Let me just say that the leader on the line-item veto in this body for years and years and years, Mr. STENHOLM, is the coauthor of this bill that we have before us. He considers it legitimate, and so does most of the rest of the House.

Mr. SOLOMON. Would my friend yield?

Mr. DERRICK. Mr. Speaker, I yield for the purpose of debate only 90 seconds to the gentleman from Georgia [Mr. DEAL].

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. You have your own time. You can use it.

Mr. SOLOMON. The gentleman won't yield?

Mr. DERRICK. You have your own time. You can use it.

Mr. SOLOMON. Just trying to be polite to my friend. If you don't want to be polite, fine.

The SPEAKER pro tempore (Mr. DURBIN). Regular order.

The gentleman from Georgia [Mr. DEAL] is recognized for 90 seconds.

Mr. DEAL. Mr. Speaker, there are times when historic events engulf us, moments in time when the significance of them are magnified by our reflection upon them. I suggest to you that today is such a time.

It is the first, and perhaps the last, time that we will have the opportunity to vote on the line-item veto. I urge you to vote for the rule so that the merits of both the Democratic proposal and the Republican proposals may be considered. Do not be deceived. This is the vote on the line-item veto.

□ 1550

If you vote against the rule and block its consideration, you will never have the opportunity to properly explain it away.

No, it is not a constitutional amendment. But are you willing to wait for the years that it will take to ratify a constitutional amendment?

No, it is not all that some of us would like to have, but it is the first significant step toward fiscal responsibility that has been laid before us.

It is time to put principle ahead of party. It is time to vote on measures based on their merits rather than where they fit into somebody's political agenda.

The public is tired of political posturing. I urge you to vote for the rule and to vote for the line-item veto.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

The reason I wanted my good friend, the gentleman from South Carolina [Mr. DERRICK] to yield, was that I wanted to read the gentleman's statement on April 1 in the RECORD of Mr. STENHOLM, who absolutely opposed the line-item veto. Mr. STENHOLM says:

I will oppose that. I have always opposed the pure line-item veto. I do not believe in



giving any President one-third plus one veto authority on the works of the Congress. I think it unbalances the balancing power.

The gentleman from Texas [Mr. STENHOLM] will be on this floor later. He will tell you that he opposes the line-item veto.

Mr. DERRICK. Mr. Speaker, will the gentleman yield for a moment?

Mr. SOLOMON. Out of courtesy, Mr. Speaker, the gentleman would not yield to me, but I am glad to yield to the gentleman.

Mr. DERRICK. Mr. Speaker, I think the gentleman is going to enjoy hearing what I have to say. I misspoke. The gentleman is correct.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman so much. I have always said, the gentleman is a gentleman.

Mr. Speaker, I yield 2 minutes to the other gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, I join with the minority leader in rising in strong opposition to this rule. It is more than a little disappointing that the very first bill to be brought to the floor from the Government Operations Committee during the 103d Congress, the very first bill that I will be managing as the ranking Republican of the committee, was never voted on by the committee, never debated by the committee, never subjected to normal and appropriate committee procedures.

Mr. Speaker, that is not the way to do business and I am not going to begin my tenure as the committee's ranking member by supporting such a travesty.

Earlier this month, I testified with others before the Rules Committee expressing my very deep concerns with this distortion of the committee process. Although the Government Operations Committee conducted one legislative hearing this year on the general issue of enhanced rescission authority, no regular markup was held and no opportunity was given to Members on either side of the aisle to offer amendments to the measure under consideration, although several of the minority members had an interest in offering amendments.

So what we have, Mr. Speaker, is a gag. It is not going to permit amendments to be brought forward, and given the procedure and the fact there has been a lot of criticism of the vehicle we are going to vote on, and the Wall Street Journal article has been alluded to, let me put in just one other quote:

Today, the House will likely debate something called "expedited rescission." It is to the line item veto what chicory flavored water is to Colombian coffee. It may look the same but one taste tells the tale.

So given the fact that we are getting a watered-down weakened version of a true line-item veto approach, we need to have an open rule to allow this measure to be improved.

It is too easy for the majority party, with a Democrat in the White House,

to abuse the House rules and minority rights by bypassing the normal committee procedures and then allowing but very few amendments to be considered on the floor, and those amendments in a way that stacks the deck so that the majority version will pass basically unencumbered with any amendments offered by the minority.

This practice effectively cuts off any opportunity for Members from either side of the aisle to participate in the legislative process. It should be the interest of all House Members that legislation like this be fully considered by the appropriate committees before it reaches consideration on the House floor.

Because it was not, and because we have not been given the opportunity to fully offer amendments, I urge the rejection of this rule.

Mr. DERRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to take this opportunity to point out, since the Wall Street Journal editorial has been referred to several times, that the bill this editorial is about was abandoned last year. I would suggest to those who wrote it that they ought to keep up with us.

Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Speaker, I thank the gentleman from South Carolina for yielding this time to me.

I urge all Members, both Democrats and Republicans, to support this rule.

If you truly want a line-item veto, this is the vote. This rule allows us to debate and vote on the two major line-item veto proposals, the Castle-Solomon one-third plus one, as well as the Spratt-Stenholm 50 percent plus one.

Do not be fooled by the rhetoric today. This vote will show who really wants a line-item veto and who just wants a line-item veto issue.

If you believe in the one-third plus one approach, as I do, this rule is our chance. If this rule is rejected, we will have lost the chance to enact the line-item veto.

The National Taxpayers Union is not fooled, and that is why the NTU has made this vote on the rule a key vote, showing who is a friend of the taxpayer and who is just not serious.

You have to pass the rule to decide whether to order coffee or chicory.

Finally, let me make a special plea to my freshmen Republican colleagues by quoting some of their own words. On April 1 in the well of this House, my colleague from Ramsey, MN, said:

And it is the Democrats, not the Republicans, who are keeping the President from getting the line-item veto he wants.

Well, please do not allow the Republican leadership to stop the President from getting the line-item veto.

My distinguished friend from Shaker Heights, OH, said:

Mr. Speaker, I am very disappointed with my colleagues. I hope that maybe they will come around and realize that it is not the Democrat leadership that they belong to. They belong to the people of the United States of America who elected them, believing that maybe reform would happen with their help.

Well, the issue is simple. If you want the line-item veto, you must vote "yes" on the rule.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], a member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the distinguished ranking member, the gentleman from New York, for yielding me this time.

Today, some Democrat colleagues are going to tell the world that they have changed their minds and they are now ready to pass a line-item veto—something they have fought vehemently for years. Wrong. This bill before us today is not a true line-item veto nor does it even come close. What we have before us today is something called expedited rescission, not enhanced, not expanded, but expedited. It does not put the brakes on runaway spending—it does not add much to accountability. It is speeded up status quo, dressed up to pretend it is a line-item veto.

Imagine a 100-foot high building on fire with a man on the roof crying for help. The Democrat bill would be a fly-over above this 100-foot highrise with words coming out of the helicopter saying, "Don't worry—we'll save you with our certified rescue package." The problem is, the rescue package they offer is a 30-foot-long rope and will leave that man hanging 70 feet off the ground while the building burns around him. That 30-foot rope is a far cry from what is needed to save our burning economy.

If the Democrat leadership were really serious about a true line-item veto—like the legislative line-item veto offered by Mr. CASTLE and Mr. SOLOMON—they would have attached it to the debt limit extension that was rammed through this House in the wee hours just before the Easter recess, as you will recall. That debt limit bill has already become law—and with it the line-item veto could have already been law, too. But as they have been doing a lot lately, the Democrat leadership in the Rules Committee said "no," not just to the minority, but to their own Democrat freshmen as well, who saw the debt limit bill as the surest way to ensure real budget process reform, and they refused their amendment then. But that is past history.

Here we are today with yet another restrictive rule—in fact the 10th out of 10 so far this Congress—debating the merits of that 30-foot rope. As a former mayor and county chairman responsible for balancing budgets I can say to this bill: "I know the line-item veto; I've worked with a line-item veto—and you're no line-item veto!"

Under this rule we have one amendment offered by the freshmen Republicans and Mr. SOLOMON to add some teeth to this measure and I urge my colleagues to support it. But what happened to the proposal by the Democrat freshmen? And the proposals to make budget reform permanent instead of a 2-year experiment? And the one offered by our minority leader designed to stop special interest tax breaks? All these were effectively shut out by the Democrat majority on the Rules Committee—the same majority that will have the power under this bill to simply waive the rules and make its provisions useless, as has happened before.

If we go through the motions here today and adopt this expedited rescission bill, I expect the status quo Democrat majority to declare the issue of the line-item veto resolved. In fact, I read in this week's CQ that the primary reason this issue is being brought up at all is because the Democrats want to get it off the table and put it under the rug, it seems. But the debt will continue to go up and the waste will continue—and we may have lost our chance to turn things around.

Please, do not be fooled. This is not line-item veto—this is not son of line-item veto—this is not even a distant cousin of line-item veto. Do not accept this stand-in for reform. Stand up and fight for the real thing. Vote "no" on this rule.

□ 1600

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I rise in strong support of the rule. Why is this important? First, Mr. Speaker, the President of the United States should be given the ability to cut out pork and what is questionable in the budget. Number 2, the American people want the line-item veto. We have tried Gramm-Rudman, we have tried the constitutional amendments to balance the budget, we have tried budget summits, and nothing has worked.

Mr. Speaker, the President has for the first time the first serious budget reduction package before us. He wants a line-item veto. He is serious about it.

Constitutionally, Mr. Speaker, this, in my judgment, is sound. The legislative branch is protected. It is a 2-year experiment.

Second, the House, the Senate, the Congress, can override the rescission package. The ability for the Congress to promote a new rescission package is there.

Mr. Speaker, the most important reason why we should support this rule, and a lot of Members have different views on line item veto because of their concern for the legislative branch losing some of its power, is that we allow this debate to take place. If this rule is

defeated, we cannot, and I repeat, we cannot, vote on one of the President's main initiatives as a President.

I served as the chair of the drafting committee of the platform. President Clinton as a candidate, as a Governor, has supported the line-item veto, and we are ready to look at it for 2 years. Maybe in 2 years, constitutionally, structurally, there will be questions. We can revisit it again.

But I say for the credibility of this body, of the Government, of the executive legislative relationship, let's give the President this authority to cut out questionable spending. Most States have this authority. Most governors do.

Mr. Speaker, I think this is going to result in fiscal discipline. It is going to result in a better relationship between the two branches, and I think we owe it to the fact that the American people want change, and they want us to vote for different approaches to the deficit. The President proposed this in his package, an essential element of his package is this modified line-item veto, and I urge support of the rule.

As a nation, we face many difficult problems and, due to the Federal deficit, we are unable to respond as we should. Whether the issue is health care, education or job creation, we are hamstrung and simply lack the resources to act in a forceful and responsible manner. Stated plainly, we must cut the deficit in order to function as an effective government.

We must make tough choices in order to cut spending and put our economic house in order. Unfortunately, we have proven, year in and year out, that we lack the discipline to make those choices and, therefore, I believe that we need to create structures that will give us the confidence and ability to cut when necessary. For that reason I support H.R. 1578, the Expedited Rescissions Act and, in the past, supported the Gramm-Rudman Deficit Reduction Act and the 1990 budget agreement.

The enhanced rescissions Act is simple, it gives the President a greater ability to pinpoint cuts he wants to make. The bill is crafted carefully and fully protects the jurisdiction of the legislative branch by providing for a simple majority override of the President's cuts. It then enables the Congress to draft an alternative rescission package. This plan is responsible and, at the same time, brings us much closer to sound fiscal management.

Mr. Speaker, I strongly support this bill but realize that others may not. Nonetheless, I strongly ask for their support on the rule. Poll after poll show that the American people want tougher fiscal controls and doubt that we have the ability to make the difficult economic choices. President Clinton has asked for enhanced rescission and I think that we must put the

issue to a vote. I will vote for H.R. 1578 but understand that others will vote against it. What we must do today is give it a fair hearing. Only by passing the rule and debating the bill on the floor can that happen.

Mr. Speaker, I urge my colleagues to support the rule. I yield back the balance of my time and thank my friend from South Carolina.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama [Mr. EVERETT], a very distinguished freshman Member from Midland City.

Mr. EVERETT. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON], my friend, for yielding this time to me. He represents New York by way of Echo, AL.

Mr. Speaker, I rise today again in opposition to this rule and again to call on Republican and Democratic freshmen to put aside partisanship and vote against this rule.

This is not a line-item veto. It is, as the Wall Street Journal commented in today's editorial, a line-item voodoo.

Many Members, new and old alike, promised the American people they would give the President a line-item veto. Candidate Bill Clinton campaigned for the line-item veto. Yet, surprise, after the election, Mr. Speaker, nobody seems really interested in a true line-item veto.

Mr. Speaker, what is being offered instead is a poor substitute that is designed to fool the public and do nothing to curb the appetite of this Congress from spending. As the Wall Street Journal says, it is to a line-item veto what chicory flavored water is to Colombian coffee. It might look the same, but one taste tells the tale.

What the President would have to do is sign an entire spending package and attach a list of spending items he agreed with and then ask the Congress to eliminate them. Where is the line-item veto? He will not even be allowed to reduce an existing program below the previous budget. Where is the line-item veto? Mr. Speaker, where is the beef?

The people in my district elected as their Representative someone who had never been involved in politics. They did that because they lost faith, unfortunately, in the Congress. They did that because they were angry at politicians telling them one thing and doing something else.

This rule represents that kind of thinking, my colleagues, and I would add that the American people will not be fooled by it.

Vote this rule down, and let us bring a true line-item veto to the floor.

I will tell my colleagues what time it is, Mr. Speaker. It is time to tell the American people the truth.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].



Mr. TRAFICANT. Mr. Speaker, this is not a vote today on a line-item veto. This is a vote today to expand the power of the Presidency.

The Constitution is clear. Congress spends, Congress cuts. The problems in America will not be solved by giving the President a red felt tip pen.

My colleagues, Congress is afraid of its shadow. Congress will not cut. Congress is afraid, and, if we take the power and give it to the President, where does that power come from, if not from the people?

And let me say this: One man's trash is another man's treasure. I was not for expanding the power of the Presidency under a Republican administration, and I am not going to be a hypocrite. I am not for taking power from the people, investing it in the White House in a Democrat administration.

Mr. Speaker, the President is not going to solve our budget dilemma. It should be Congress, and I do not want to see Congress wimp out and sell the Constitution out to do it.

I appreciate having been yielded this time, Mr. Speaker.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I want to talk about two things. First of all, Mr. Speaker, I want to talk about closed rules. The American people do not understand how this place works, so it is time for us to explain that.

I say to my colleagues, "When you have a closed rule, you cannot debate the issue fully, and the Democrat Rules Committee has continually this session of Congress sent closed rules to the floor."

We are not going to be able to vote today on a line item veto because of the way this rule is structured. We are going to do it on their terms. They are trying to ram through everything President Clinton wants without full debate and disclosure.

Mr. Speaker, of all the rules we have had on the House floor, none have been open. In the past, 82 percent of the rules have been open. During this session, zippo, none, and that is why we have Lady Liberty gagged and hope the American people understand that.

In addition to that, Mr. Speaker, we have had 10 rules this session, and, out of the 10 rules, all have been closed, 100 percent, and that means that all the people that we represent, 600,000 people apiece, do not have a voice in this Congress because the Committee on Rules continues to gag them and will not allow them to be heard.

Finally, Mr. Speaker, the Speaker of this body, the gentleman from Washington [Mr. FOLEY], said he expects open rules within a matter of a very few days on major legislation. If a line-item veto is not major legislation, then what is it? And he said this on Monday,

and they are sending a closed rule down here.

The fact of the matter is the people are not getting the straight story from the Democrat Party. They want to ram through \$402 billion in new taxes, another \$145 or \$150 billion for Hillary Rodham Clinton's health care program, and they are calling that democracy. Baloney. It is just plain baloney.

What we want is open rules. We want a straight up or down vote on a real line-item veto, not this enhanced rescission.

My colleagues know what it is. It is baloney, and the American people ought to know it is baloney. We want a vote on a straight line-item veto, and I hope the Committee on Rules one day will be fair.

□ 1610

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield 1 minute to the gentleman from Washington [Mr. INSLEE].

Mr. INSLEE. Mr. Speaker, I rise in favor of this rule and urge my colleagues to support it. I do this for two reasons. I have a perspective that is perhaps unique in this debate. I am one of the Democratic freshmen who supported an amendment that will not be considered under this rule. But for two reasons, I believe it is imperative that we pass this rule.

The first is that it should be very clear that killing this rule kills line-item veto in any shape or form in this year. You can shape it, you can shade it, you can color it, but a "no" vote is a vote to kill any shape of the line-item veto this year.

Those who believe that it is more important for the future of this country to make some political point about rules than to adopt a tool that can cut our deficit do not share my belief that the fundamental and No. 1 problem in our country is that deficit.

This bill will not give the Executive untoward power. It will simply allow the President to shine a spotlight on a spending proposal.

Mr. Speaker, I further believe in one principle that is engraved in this rostrum, and that principle is union. There are those who do not share my belief in the wisdom of this bill at all. To them I say that I urge them to vote in favor of this rule for principles of union. We must at times subjugate our personal beliefs and our personal wishes to union.

Mr. Speaker, I urge the Members to vote in favor of this rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, the proposition before us today is very simple. Do we want to act like Members of Congress and continue to exercise the constitutional authority granted to us

by our Founding Fathers, or do we want to turn our backs on responsibility and support an ill-conceived public relations gimmick. Why do I say this? H.R. 1578 is another in a long line of budget gimmicks that won't work, is not needed, is off questionable constitutional value, is inherently flawed, and is just plain irresponsible.

H.R. 1578 will not work. The bill is designed to decrease spending by making Congress vote up or down on the individual programs in appropriations bills which the President has singled out for rescission. Many fear that this will actually increase deficit spending because it gives Congress an incentive to present larger budgets to the White House in order to guard against Presidential rescission power.

In addition the GAO has flatly stated that "rescissions cannot be expected to be a major tool for reducing the deficit." The GAO reasons that rescissions have little deficit cutting impact because they are limited to the discretionary portion of the budget and do not touch the 61 percent of the budget comprised of mandatory spending—interest on the national debt, entitlements—including escalating health expenditures. Since 1974 the total enacted rescissions—\$69.2 billion—comprise just 3 percent of the cumulative deficits incurred during that period.

H.R. 1578 is a remedy in search of a problem. It's not needed because the current rescission process works to reduce deficit spending. From 1974 to the present, Presidents have proposed \$69.2 billion in rescissions and Congress has responded by approving \$21.3 billion of the requested rescissions and initiating \$65.1 billion of its own cuts for a total of \$86.5 billion in rescissions. In short, since 1974 Congress has enacted almost \$20 billion more in rescissions than Presidents have requested.

H.R. 1578 is also not needed because there already exists within the Impoundment Control Act a special discharge procedure which permits 20 percent of the Members of either House to force a floor vote on any Presidential rescission proposal. This provision should be sufficient to ensure that any proposal having adequate congressional support to suggest the possibility of approval could be brought up for debate and a prompt up-or-down vote. If the proposal cannot even get 20-percent support then it is unlikely that it would ever be approved.

H.R. 1578 is of questionable constitutional value. First, the bill amends the rules of the House by statute. This contravenes article 1, section 5 of the Constitution determines that congressional Chamber determine the rules of its own proceedings. The current proposal essentially amends the rules of both the House and the Senate by statute; that is, the Senate and the President determine the rules of the House and the House and the President determine the rules of the Senate.

Second, the bill could violate the principle of bicameralism. The bill makes no provisions for a conference should the House pass its Appropriations Committee alternative, and the Senate pass either the President's proposed rescissions or its own Appropriations Committee alternative or visa versa.

If the conference arises from current House and Senate rules—which is not clear from the bill—then what happens if only one Chamber passes the conference report or if neither Chamber chooses to act on the conference report? Technically both Chambers would be in compliance with H.R. 1578 but there would be no final action on any rescissions package. None of these questions are answered by the bill and all of them could lead to bicameralism problems.

It skews the balance of power between the Congress and the President. The proposal advances Presidential spending initiatives at the expense of legislative spending initiatives. Under the bill's procedures the President could rescind 100 percent of the appropriations for the Legal Services Corporation or 100 percent of the appropriations for cruise missiles.

Granted the House and Senate could offer an alternative rescissions package but the alternative must, first be within the same appropriations act as the rescissions the President proposed and second the amount of budget authority rescinded must be equal to, or greater than the rescinded budget authority proposed by the President. Also any proposed congressional alternative package could be vetoed by the President in which case Congress would have to overcome the veto by a two-thirds majority vote.

While either Chamber could restore the program targeted for rescission by a simple majority, the proposal forces Congress to adopt or reject each of the President's proposed rescissions. This gives the President enormous new power to set spending priorities. The President gets an expedited procedure and the Congress gets no more than an up-or-down vote.

The President would also have new power to set the legislative agenda through the use of the rescissions process. The bill would make all 13 yearly appropriations bills, plus any other appropriations bills—for example, emergency supplemental bills—subject to the rescission procedure. This would give the President up to 20 bills per year to exercise his rescissions powers and impact the legislative agenda.

The measure also gives the President added new leverage over individual Members. The President could negotiate a rescission, or a lack of a rescission, on an appropriation of particular concern to a Member in exchange for the Member's action on other legislative business.

There is also a potential one House veto problem in the bill. As drafted the House can vote down both the President's rescission proposal and its own proposal and the Senate does not have to act. Should the House approve the President's plan, or its own plan, the Senate could exercise its own one Chamber veto by voting down both the President's plan and its own plan. In short the rescinded funds can be restored by the action of a single Chamber. This single House action raises serious constitutional concerns.

H.R. 1578 as drafted contains a procedural flaw. The bill requires that Congress act within 10 legislative days on the President's rescission request. Without action, no spending occurs. Should Congress adjourn at the end of the current session, before the President sends his rescission message to Congress, no spending could occur until Congress reconvened in January 1994 and acted on the rescission legislation. In effect spending on the President's rescinded programs could be halted for 3 months due to this flaw in the bill.

H.R. 1578 is just plain irresponsible legislation. It is a gimmick that gives the President the power to do what should be Congress' responsibility under the Constitution. Ironically, the bill, which its proponents claim is a vote for fiscal responsibility, doesn't even require a recorded vote during the consideration of the rescissions packages. Why would Congress pass a bill that gives a measure of their spending power to the President? So Members don't have to make the tough choices the Constitution and our constituents expect us to make.

Mr. Speaker, I implore my colleagues to remember their oath of office, their constitutional obligations, but most of all remember why they came here—to make tough decisions and to make a difference. This legislation must fail because we must legislate for the next generation, not the next election.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to another freshman Republican, the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Speaker, I am amazed to hear some Members actually stand up and call this particular piece of legislation a line-item veto.

One of the favorite stories that Abraham Lincoln told went something like this: How many legs does a dog have if you call his tail a leg?

The answer is, Four, because calling a tail a leg doesn't make it so.

I do not care how many times you call this particular piece of legislation a line-item veto, it is not, and it is nowhere near it.

I was amazed to hear one of my freshmen colleagues on the other side of the aisle say that this is our only chance this year to vote for a line-item veto. Oh, really? Says who? Who made that decision that nothing else can come to

the floor of this House for a line-item veto? Let us name names. If somebody made that decision to thwart the will of 80 percent of the American people who want a line-item veto, let him stand up and be counted or keep on hiding behind closed doors and behind closed rules. This is not a line-item veto.

One of my favorite movies while growing up was Tony Curtis starring in "The Great Impostor." That was Albert DeSalvo. Sometimes he was a priest, sometimes he was a surgeon. Who knows what he might be next? One thing he never did in the movie, though, he never got himself elected to Congress. Sometimes I wonder, is "The Great Impostor" hiding among us here when you can take something like this and label it a line-item veto? No, it is "line-item voodoo."

You cannot cut any pork unless Congress or most of Congress by a majority vote says, "We want to cut it." Where is the veto in that? Where is the two-thirds margin that the people of America expect to override a Presidential veto.

We need to have a real line-item veto and an open rule that also attacks the problems with the tax bills that bring pork into them, such as was offered under an amendment that was not permitted by this rule.

Mr. Speaker, I ask the Members to oppose the rule, and let us keep up the fight for a true line-item veto, not "line-item voodoo."

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 1 minute to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Speaker, I rise actually in reluctant support of this rule. I am in strong support of the enhanced rescission package. I favor it. In fact, I am a cosponsor of it.

I believe, however, that our rule should allow more debate and discussion on amendments. In fact, I have two amendments that I wanted to propose myself. One of them expands this authority to tax expenditures; the other expands the contract authority. I think they should be made in order. I think we should have the opportunity to debate and vote on those issues, and in fact, if I were convinced that by defeating this rule we would be able to come back with a better rule to present these items, I would oppose this rule and vote against it.

I am, however, convinced that if we defeat this rule, we will defeat any opportunity for enhanced rescission. We must have enhanced rescission. I believe it so strongly that I am willing to wait to present my amendments until 2 years from now when we will have an opportunity to make permanent the enhanced rescission provision.

So Mr. Speaker, I encourage all my colleagues to vote in favor of the rule and in favor of the bill.



Mr. SOLOMON. Mr. Speaker, I yield myself 30 seconds just to tell the gentleman who just spoke that there is no question that if the rule is defeated, the Democrat leadership is going to bring a bill back on this floor, because there are veteran Democrats who were hung out to dry when they voted for the stimulus package and it went down, and there are freshmen Democrats who were hung out to dry because they had to vote for raising the debt limit. They are demanding a vote, and there will be another chance out here for that. That is why we should defeat this rule.

Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, the gentleman from South Carolina [Mr. DERRICK] said that this was the fairest rule that they could bring to the floor. They cannot even recognize that the fairest rule that could come to the floor is an open rule. That is the fairest rule that they could bring to the floor.

Let me tell the Members this, too, about unfairness: co-opting the freshman Democrats. Mr. Speaker, we have had freshman Democrat after freshman Democrat talk about this rule as being the vote on line-item veto.

Did you know, I say to the freshmen, that a one-third vote could kill any rescission? That is a one-third vote. This is how it works, and obviously your leaders did not tell you about that.

□ 1620

Mr. Speaker, the President has to sign the bill sent him. Then he sends us a list of rescissions he wants to make. In 20 days we have to pass a resolution approving the rescissions.

Mr. Speaker, do you know what they can do, especially in this Committee on Rules? They can take this bill and put it on the Suspension Calendar, and one-third of the House can stop the approval of the rescission. That is not the line-item veto. That is not even majority line-item veto. That is a sham. Do not be co-opted. Vote against this rule.

Mr. DERRICK. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the distinguished gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, there has been a lot of rhetoric today about this rule, most of which has not been actual. I want to ask the gentleman from New York [Mr. SOLOMON] a simple question: Is H.R. 24 that the gentleman has authored a sham, baloney line-item veto bill, or is it not a true line-item veto as the gentleman from New York believes it?

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, H.R. 24 is in the form of the Castle-Solomon amendment, which is a true legislative line-item veto.

Mr. STENHOLM. Mr. Speaker, reclaiming my time, does not this rule take under consideration under 1

hour's debate the amendment that the gentleman from New York [Mr. SOLOMON] wishes to offer?

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield further, it does. But it does not allow us to change it. It does not allow us to offer it to Spratt-Stenholm, and it does not allow the targeted tax provisions by Mr. MICHEL, which every tax organization in the country wants us to offer on this floor today.

Mr. STENHOLM. Mr. Speaker, reclaiming my time, the gentleman from New York [Mr. SOLOMON] has answered my question.

Mr. Speaker, I rise today in support of the rule to H.R. 1578, the Expedited Rescissions Act, which has also been referred to as modified line-item veto legislation. I stand in support of this rule for two reasons: First, because it is a fair rule that allows the House to consider major alternatives on this issue; and, second, because the taxpayers of this country are fed up with rhetoric and political games. They want us to debate and vote on line-item veto legislation so that we Members go on record on this issue. Much more importantly, they want us to pass legislation into law which encourages the elimination of wasteful spending.

This bill that we are discussing today, H.R. 1578, began in the 103d Congress with H.R. 1013, legislation which I had originally introduced with a bipartisan group of 80 of my colleagues. The text of H.R. 1578 made in order by the rule maintains the basic principle of the bill I introduced earlier this year—the requirement that Congress must vote up or down on Presidential rescission messages under an expedited procedure.

This new text reflects improvements made after extensive consultation and review to address concerns raised by Members on both sides of the aisle. In my opinion, any fiscal conservative who claims that this bill is weaker than H.R. 1013 or last year's H.R. 2164 either has not taken the time to study the changes or else has other reasons for intentionally misinterpreting the bill. I defy anyone who marches under the banner of fiscal responsibility to tell me how eliminating the limitation on the amount of authorized funds makes the bill weaker. Or please explain to me how removing the opportunity to strike rescissions from the package is bad. Or perhaps you could provide insight on the damage done by putting in place the roadmap for a second rescission package if the President's proposal is defeated.

We can argue about the merits—both substantive and political—of this approach as opposed to full line-item veto. But for those people who have enthusiastically supported enhanced rescission in the past and now bad mouth this version which is even stronger, I have waning patience and waxing frustration.

In addition to the modified line-item veto approach embodied in H.R. 1578, attention has focused on two other line-item veto proposals in the 103d Congress: The Duncan and Solomon bills, H.R. 159 and H.R. 24, that would effectively require a two-thirds vote to block Presidential rescissions; and the Michel bill, H.R. 493, which would allow the President to rescind tax items as well as appropriations items with a two-thirds vote necessary to override the President. Under the rule, the House will have the opportunity to debate and vote on both of these approaches.

Although I personally do not support the Castle-Solomon line-item veto amendment, I know that many Members do, and therefore I believe very strongly that the House should have the opportunity to debate and vote on this amendment, as well as the Michel tax amendment. I have consistently and adamantly advocated this position before the Rules Committee and with the leadership, and I am pleased with the Rules Committee for having granted a rule which will allow honest votes on the leading alternatives on this subject. I understand it has been suggested that in private I have argued in favor of a closed rule. That quite simply is not true and, frankly, I take offense with the suggestion that behind closed doors I might act contrary to my public position, which always has been to argue for up-or-down votes on major, substantive issues.

The issue of line-item veto authority has been debated for many, many years. The issues of balance of power, constitutionality, procedures for rescissions, et cetera have long been in the marketplace of ideas and debate. On the other hand, only very recently have the ideas of tax expenditures and contract authority been added to this debate. I believe that these two issues, tax expenditures and contract authority, very rightfully belong in the rescission debate. I am very eager to explore these concepts personally. I want to hear others with greater constitutional and institutional expertise than I debate the nuances of including tax expenditures and contract authority in rescission authority. I am considering introducing legislation embodying these two concepts in an effort to help further this discussion. I think it is highly likely that 2 years from now when we consider renewing the contract on this legislation, I will be prepared to vote for revisions of this sort. At this point, however, I do not believe the debate has matured to the point where we should be attaching these unexplored ideas to legislation which is likely to be signed into law.

During the last Congress, there were several unsuccessful efforts on procedural votes to bring the line-item veto to a vote. I supported these efforts on a few occasions, as did many of my

friends on the other side of the aisle. Today we have the very opportunity that we were seeking through our procedural gymnastics, that being to vote up or down on the substance of the line-item veto. As one who seeks to avoid a cynical interpretation of events, I can only be baffled about why some Members would fight procedurally so hard for the chance to vote at one time, and then stomp into the dirt that very opportunity when it is handed to them today.

Make no mistake: If this rule is defeated, it is very unlikely that there will be another opportunity to vote on any version of line-item veto during this Congress.

More than two dozen business, taxpayer, and good government organizations are supporting H.R. 1578. I commend these groups for their proactive involvement and I will be submitting their letters of endorsement for the RECORD. The National Taxpayers Union has specifically addressed the issue of supporting the rule, which it encourages because the rule provides the opportunity for a clean vote on the issue of line-item veto. NTU points out that the only effective line-item veto will be the one that is enacted into law. Like NTU, which simply states, "A vote against the rule is a vote against consideration of the line-item veto," I do not understand how it can be argued that defeating this rule and preventing any line-item veto legislation from coming to the floor would be in the interest of American taxpayers. The vote on the rule comes down to this simple point.

I urge my colleagues on both sides of the aisle to give the American people a reason to feel good about their Government. I urge you to vote "yes" on the rule and when the rule is adopted, to support final passage of H.R. 1578.

For the RECORD, I include a letter from the National Taxpayers Union.

NATIONAL TAXPAYERS UNION,  
Washington, DC, April 21, 1993.

Attn: Administrative Assistant/Legislative Director.

DEAR REPRESENTATIVE: Today's line-item veto votes will very likely be the most important votes on this issue during this Congress. The National Taxpayers Union (NTU) has long supported legislation that would enable the President to isolate and eliminate wasteful spending. For that reason, we want to be sure our position is clear to every Member of the House.

Our ultimate goal is passage of a line-item veto constitutional amendment. We support enactment of a statute as an interim step toward a full line-item veto amendment.

1. NTU urges you to support the rule, H. Res. 149, to allow a vote on both the "Legislative Line-Item Veto" and H.R. 1578, the "Modified Line-Item Veto." A vote against the rule is a vote against consideration of the line-item veto.

2. NTU urges you to support a motion to move the previous question. A vote to defeat the previous question is a vote against the line-item veto.

3. NTU urges you to vote against any motion to recommit. A vote to recommit is a

vote to "kill" progress toward a line-item veto.

4. NTU urges you to vote for the "Solomon-Castle substitute," despite the fact that this measure stands little chance of becoming law in this Congress. This alternative is substantially the same as a full line-item veto, which has long been our preference.

5. If the "Solomon-Castle" substitute prevails, NTU urges you to vote for it on final passage.

6. If "Solomon-Castle" fails, NTU strongly urges you to vote for H.R. 1578, the "Spratt-Stenholm Modified Line-Item Veto." This bipartisan measure would greatly improve the current process, continue progress toward a full line-item veto and have a good chance of becoming law. A vote against H.R. 1578 is a vote against efforts to reduce wasteful pork-barrel spending.

7. Votes on both the Solomon-Castle substitute and final passage of H.R. 1578, with or without amendment, will be included in our annual rating of Congress. Votes on procedure may also be included in the rating if direct votes on the issue are unavailable. NTU will make every effort to publicize all votes on this issue.

Thank you for your consideration of our position. Please call me if you have any questions.

Sincerely,

AL CORRS, Jr.,

Director, Government Relations.

Mr. DERRICK. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am the imposter that, along with the gentleman from Texas [Mr. STENHOLM], has brought this bill to the floor. I support it. It is a good bill. It is not a sham.

Mr. Speaker, the President of the United States has requested us to give him this power.

Mr. Speaker, the last time we voted on a piece of legislation very similar to this was last year. October 3, 1992, essentially the same bill that the gentleman from Texas [Mr. STENHOLM], along with Mr. Carper, brought to the floor. At that time the gentleman from Indiana [Mr. BURTON], the gentleman from Georgia [Mr. GINGRICH], the gentleman from Illinois [Mr. MICHEL], the gentleman from Florida [Mr. GOSS], the gentleman from Texas [Mr. DELAY], and the gentleman from New York [Mr. SOLOMON], most of the Republicans who have spoken against it, have called it preposterous, voted for this very bill.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly would never refer to my good friend, the gentleman from South Carolina [Mr. SPRATT], or the gentleman from Texas [Mr. STENHOLM] as imposters. They both are very, very well respected Members of this House.

Mr. Speaker, I yield 1½ minutes to my good friend, the gentleman from Maryland [Mr. MFUME], a very well respected Member from the other side of the aisle.

Mr. MFUME. Mr. Speaker, I thank the distinguished gentleman for yielding.

Mr. Speaker, I rise today representing the position of the Congressional Black Caucus to argue that despite the disinformation that has been circulated on this floor, the Congressional Black Caucus remains in opposition to this bill.

Mr. Speaker, our position is one that has evolved out of a purity in principle. It is that purity in principle that divides us now as legislators on this matter, and it is important in this democratic process that we have the opportunity as we do today to debate it.

But let me just suggest that even the most naive student of constitutional history knows that the Constitution gives implied and stated powers, and that no legislator since the beginning of this Nation has come to the point that we are at today, and that is to give away, to cede unto the executive branch, those powers.

What ever happened to the notion of constitutional balance of power? The people whose pictures hang on this wall, Jefferson, Washington, Clay, and others, recognized that. They embodied it in our Constitution. They gave us a sacred trust to maintain and keep that balance of power.

It is not so much about a line-item or rescission, it is about who the Executive will be tomorrow and next year and next decade and how that individual will use that particular power.

Mr. Speaker, I urge Members to be conscious about this and not buy into the rule or the notion that this sunsets.

Mr. Speaker, let me tell you something about the sun: it sets every day, but it also rises again, and this bill will be back before us if we pass it today, no matter what others say.

So few will remember what we say here today, but all will remember today what we do, and what we do is important. We will rue the day that we give away power like this.

Mr. Speaker, I urge Members to oppose this bill.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have letters here from the United States Chamber of Commerce supporting the Castle-Solomon amendment. We have letters here from the Americans for Tax Reform really criticizing the National Taxpayers Union for riding the fence on this issue, and so am I. I often praise the National Taxpayers Union on this floor.

Mr. Speaker, it goes on and on and on. The Wall Street Journal, the Citizens for Sound Economy, and on and on and on.

Mr. Speaker, let me just say to the Democrats on that side of the aisle, I said it a few minutes ago, but there were not many on the floor, if you de-



feat this rule now you are going to have another chance within days, within days, to cast a vote on a true legislative line-item veto for which many Members campaigned last November and said they would come on this floor and vote. Because the Democratic leadership is not going to allow those that have been hung out there on the stimulus package and those that were hung out there on the debt ceiling, all of whom pledged they would not vote to raise that debt ceiling and would not vote for frivolous spending, they are going to have a chance to come out here next week and cast a vote on a true line-item veto. So do not let anyone hornswoggle you any differently. That is why you need to defeat this.

Mr. Speaker, if Members pass this rule and subsequently pass the bill of my good friend, the gentleman from South Carolina [Mr. SPRATT], and my good friend, the gentleman from Texas [Mr. STENHOLM], you simply are allowing the Committee on Rules at some time in the future to waive the rule and waive what you are passing here, which means you are doing absolutely nothing. You know that, and I know that, and you ought to vote no on this rule and do it now and let us have an opportunity to come out here in a free and open process, where all 435 Members of this body can cast votes and introduce amendments that really mean something to this piece of legislation.

Mr. Speaker, I urge Members to vote "no" on this rule.

□ 1630

Mr. DERRICK. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, my colleagues who serve on the Committee on Rules with me have had a number of opportunities to have an open rule but have turned each opportunity down. They know as well as I do, as much as they whine, that this rule is a fair rule. It gives us an opportunity to vote on the Republican substitute, which they consider to be a line-item veto. It gives us an opportunity to vote on the Spratt-Stenholm bill, which we consider to be a line-item veto.

They can put anything they want in their motion to recommit which is germane.

The Members who had the honor to serve in the previous Congress will recall that last year we passed a bill very much like the bill before us today. I managed that bill. I voted for it, and so did 311 others who joined me. Most spoke against that bill today. It was a good bill which would have changed things around here for the better.

It would have created accountability by giving a President the power he needs to block individual items in spending bills. Forty-three Governors have similar power, including the Governor of my State of South Carolina. In most States it apparently works fairly well.

Unfortunately, last year's bill died in the other body at the end of the session. In a way, I am pleased, because this bill is a better bill, and it is our responsibility to take it up and pass it today.

We have a new President who has asked for this modified line-item veto. His administration has worked long and hard with the Committee on Rules, the Committee on Government Operations, the House leadership, the gentleman from Texas [Mr. STENHOLM], and others to develop it.

Our new President has signaled an end to the business as usual of the past. He has confronted the deficit and challenged Congress and the American people to change.

Mr. Speaker, we have already voted for change this year in this House. We passed the President's budget. We passed the jobs bill, which died in a Republican filibuster in the Senate. And we should pass this key aspect of his program, too.

The line-item veto is not the only solution to our problems, but it is in part a solution. We owe it to the American people to give this a try. If it works, we can extend it. If it does not, we can try something else.

Our new President urged us, just yesterday, to pass this bill. I believe we owe it to him, and we owe it to the millions who voted for change, to give it a try.

This is a good rule. Many Members' concerns about the bill already have been addressed and incorporated into the base text.

The rule makes in order a Republican substitute, and provides an opportunity for the minority leader to offer his amendment on tax expenditures. And it does not restrict the motion to recommit.

I urge all Members to support the rule and to support the bill.

Remember, if we vote against this rule, we are voting against considering a line-item veto. We are choking off everyone in this body, if we vote against this rule.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. RICHARDSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 212, nays 208, not voting 12, as follows:

[Roll No. 144]

YEAS—212

Abercrombie	Gibbons	Nadler
Ackerman	Glickman	Natcher
Andrews (ME)	Gordon	Neal (MA)
Andrews (NJ)	Green	Neal (NC)
Andrews (TX)	Gutierrez	Oberstar
Applegate	Hall (OH)	Obey
Bacchus (FL)	Hall (TX)	Oliver
Baessler	Hamilton	Orton
Barcia	Harman	Pallone
Barlow	Hayes	Parker
Barrett (WI)	Hefner	Pastor
Beilenson	Hinchey	Payne (VA)
Berman	Hoagland	Pelosi
Bevill	Hochbrueckner	Penny
Billbray	Holden	Peterson (FL)
Bishop	Hoyer	Peterson (MN)
Bonior	Hughes	Pickett
Borski	Hutto	Pickle
Boucher	Inlee	Pomeroy
Brewster	Jacobs	Poshard
Brooks	Jefferson	Price (NC)
Browder	Johnson (GA)	Rahall
Brown (CA)	Johnson (SD)	Reed
Brown (OH)	Johnson, E. B.	Reynolds
Bryant	Johnston	Richardson
Byrne	Kanjorski	Roemer
Canady	Kaptur	Rose
Cantwell	Kennedy	Rostenkowski
Cardin	Kennelly	Rowland
Clayton	Kildee	Rush
Clement	Kleczka	Sabo
Clyburn	Klein	Sangmeister
Coleman	Klink	Sarpalius
Collins (GA)	Kopetski	Sawyer
Condit	Kreidler	Schumer
Conyers	LaFalce	Scott
Cooper	Lambert	Sharp
Coppersmith	Lancaster	Shepherd
Costello	Lantos	Sisisky
Coyne	LaRocco	Skaggs
Cramer	Laughlin	Skelton
Danner	Lehman	Slattery
Darden	Levin	Slaughter
de la Garza	Lewis (GA)	Spratt
Deal	Lipinski	Stark
DeFazio	Lloyd	Stenholm
DeLauro	Long	Strickland
Derrick	Lowey	Studds
Deutsch	Maloney	Stupak
Dicks	Mann	Swett
Dingell	Manton	Swift
Dooley	Margolies-	Tanner
Durbin	Mezvinsky	Tauzin
Edwards (TX)	Markey	Taylor (MS)
Engel	Matsui	Thornton
English (AZ)	Mazzoli	Thurman
English (OK)	McCloskey	Torricelli
Eshoo	McCurdy	Trafficant
Fazio	McDermott	Unsoeld
Fields (LA)	McHale	Valentine
Fingerhut	McNulty	Vento
Flake	Meehan	Visclosky
Foley	Miller (CA)	Volkmmer
Ford (MI)	Mineta	Waxman
Ford (TN)	Minge	Whitten
Frank (MA)	Mink	Williams
Frost	Moakley	Wilson
Furse	Mollohan	Wise
Gedjenson	Montgomery	Woolsey
Gephardt	Moran	Wyden
Geren	Murphy	Wynn

NAYS—208

Allard	Bonilla	DeLay
Archer	Brown (FL)	Dellums
Armey	Bunning	Diaz-Balart
Bachus (AL)	Burton	Dickey
Baker (CA)	Buyer	Dixon
Baker (LA)	Callahan	Doolittle
Ballenger	Camp	Dornan
Barrett (NE)	Carr	Dreier
Bartlett	Castle	Duncan
Bateman	Chapman	Dunn
Becerra	Clay	Edwards (CA)
Bentley	Clinger	Emerson
Bereuter	Coble	Evans
Bilirakis	Collins (IL)	Everett
Blackwell	Collins (MI)	Ewing
Bliley	Combest	Fawell
Blute	Crane	Filner
Boehert	Crapo	Fish
Boehner	Cunningham	Foglietta

Fowler	Lightfoot	Royce
Franks (CT)	Linder	Sanders
Franks (NJ)	Livingston	Santorum
Galleghy	Machtley	Saxton
Gallo	Manzullo	Schaefer
Gekas	Martinez	Schiff
Gilchrist	McCandless	Schroeder
Gillmor	McCollum	Sensenbrenner
Gilman	McCrery	Serrano
Gingrich	McDade	Shaw
Gonzalez	McHugh	Shays
Goodlatte	McInnis	Shuster
Goodling	McKeon	Skeen
Goss	McKinney	Smith (IA)
Grams	McMillan	Smith (MI)
Grandy	Meek	Smith (NJ)
Greenwood	Menendez	Smith (OR)
Gunderson	Meyers	Smith (TX)
Hamburger	Mfume	Snowe
Hancock	Mica	Solomon
Hansen	Michel	Spence
Hastert	Miller (FL)	Stearns
Hastings	Molinari	Stokes
Hefley	Moorhead	Stump
Herger	Morella	Sundquist
Hilliard	Murtha	Synar
Hobson	Myers	Talent
Hoekstra	Nussle	Taylor (NC)
Horn	Ortiz	Tejeda
Houghton	Owens	Thomas (CA)
Huffington	Oxley	Thomas (WY)
Hutchinson	Packard	Thompson
Hyde	Paxon	Torkildsen
Inglis	Payne (NJ)	Towns
Inhofe	Petri	Upton
Istook	Pombo	Velazquez
Johnson (CT)	Porter	Vucanovich
Johnson, Sam	Pryce (OH)	Walker
Kasich	Quinn	Walsh
Kim	Ramstad	Waters
King	Rangel	Watt
Kingston	Ravenel	Weldon
Klug	Regula	Wheat
Knollenberg	Ridge	Wolf
Kolbe	Roberts	Yates
Kyl	Rogers	Young (AK)
Lazio	Rohrabacher	Young (FL)
Leach	Ros-Lehtinen	Zeliff
Levy	Roth	Zimmer
Lewis (CA)	Roukema	
Lewis (FL)	Roybal-Allard	

NOT VOTING—12

Barton	Henry	Schenk
Calvert	Hoke	Torres
Cox	Hunter	Tucker
Fields (TX)	Quillen	Washington

□ 1701

The Clerk announced the following pair:

On this vote:  
Ms. Schenk for, with Mr. Washington against.

Mr. SARPALIUS, Mr. WHITTEN, Mrs. MINK, Mr. ABERCROMBIE, and Mr. BORSKI changed their vote from "nay" to "yea."

Mr. FAWELL changed his vote from "present" to "nay."

So the resolution was agreed to.  
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DERRICK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material, on H.R. 1578, the bill about to be considered.

The SPEAKER pro tempore (Mr. RICHARDSON). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

CONFERENCE REPORT ON H.R. 2, NATIONAL VOTER REGISTRATION ACT OF 1993

Mr. SWIFT submitted the following conference report and statement on the bill (H.R. 2) to establish national voter registration procedures for Federal elections, and for other purposes:

CONFERENCE REPORT (H. REPT. 103-66)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2), to establish national voter registration procedures for Federal elections, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Act of 1993".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—  
(1) the right of citizens of the United States to vote is a fundamental right;

(2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and

(3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) PURPOSES.—The purposes of this Act are—  
(1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;

(2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;

(3) to protect the integrity of the electoral process; and

(4) to ensure that accurate and current voter registration rolls are maintained.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));

(2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));

(3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) IN GENERAL.—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

(1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) NONAPPLICABILITY TO CERTAIN STATES.—This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.

SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) IN GENERAL.—(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) LIMITATION ON USE OF INFORMATION.—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) FORMS AND PROCEDURES.—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and  
(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and  
(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and



(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) **CHANGE OF ADDRESS.**—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) **TRANSMITTAL DEADLINE.**—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

#### SEC. 6. MAIL REGISTRATION.

(a) **FORM.**—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) **AVAILABILITY OF FORMS.**—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) **FIRST-TIME VOTERS.**—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) **UNDELIVERED NOTICES.**—If a notice of the disposition of a mail voter registration application under section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the registrar may proceed in accordance with section 8(d).

#### SEC. 7. VOTER REGISTRATION AGENCIES.

(a) **DESIGNATION.**—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph (A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.

(B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance;

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2),

unless the applicant, in writing, declines to register to vote;

(B) provide a form that includes—

(i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph

(C)), together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

(iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and

(v) the statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with \_\_\_\_\_", the blank being filled

by the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) **FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.**—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) **ARMED FORCES RECRUITMENT OFFICES.**—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

(d) **TRANSMITTAL DEADLINE.**—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

#### SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.

(a) **IN GENERAL.**—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(C) in the case of registration at a voter registration agency, if the valid voter registration

form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) **CONFIRMATION OF VOTER REGISTRATION.**—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) **VOTER REMOVAL PROGRAMS.**—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) **REMOVAL OF NAMES FROM VOTING ROLLS.**—(1) A State shall not remove the name

of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) **PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.**—(1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon

confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(i) or (A)(ii)(II), voting at the other locations described in subparagraph (A) need not be provided as options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) **CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.**—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) **CONVICTION IN FEDERAL COURT.**—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

(A) the name of the offender;

(B) the offender's age and residence address;

(C) the date of entry of the judgment;

(D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) **REDUCED POSTAL RATES.**—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

**"§3629. Reduced rates for voter registration purposes**

"The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993."

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out "and 3626(a)-(h) and (j)-(k) of this title," and inserting in lieu thereof "3626(a)-(h), 3626(j)-(k), and 3629 of this title."

(3) Section 3627 of title 39, United States Code, is amended by striking out "or 3626 of this title," and inserting in lieu thereof "3626, or 3629 of this title."

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:



"3629. Reduced rates for voter registration purposes."

(i) **PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.**—(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declaration to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) **DEFINITION.**—For the purposes of this section, the term "registrar's jurisdiction" means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

#### SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

(a) **IN GENERAL.**—The Federal Election Commission—

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) **CONTENTS OF MAIL VOTER REGISTRATION FORM.**—The mail voter registration form developed under subsection (a)(2)—

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

#### SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

#### SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) **ATTORNEY GENERAL.**—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) **PRIVATE RIGHT OF ACTION.**—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) **ATTORNEY'S FEES.**—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) **RELATION TO OTHER LAWS.**—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

#### SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held, shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, Unit-

ed States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

#### SEC. 13. EFFECTIVE DATE.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

And the Senate agree to the same.

CHARLIE ROSE,  
AL SWIFT,  
MARTIN FROST,  
STENY H. HOYER,  
GERALD D. KLECZKA,  
JOHN CONYERS, Jr.,

Managers on the Part of the House.

WENDELL FORD,  
CLAIBORNE PELL,  
DANIEL K. INOUE,

Managers on the Part of the Senate.

#### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2), to establish national voter registration procedures for Federal elections submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text, and the House disagreed to the Senate amendment.

The Committee of Conference recommends that the House recede from its disagreement to the amendment of the Senate to the text of the bill, with an amendment which is a substitute for both the text of the House bill and the Senate amendment to the text of the House bill.

The differences between the text of the House bill, the Senate amendment thereto, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

#### SECTION 1. SHORT TITLE

The House bill (H. R. 2), the Senate amendment, and the conference agreement provide that this legislation may be cited as the "National Voter Registration Act of 1993".

#### SECTION 2. FINDINGS AND PURPOSES

The House bill, the Senate amendment, and the conference agreement set forth identical findings of the Congress and purposes of the Act.

#### SECTION 3. DEFINITIONS

The House bill, the Senate amendment, and the conference agreement set forth identical definitions for the terms "election", "Federal office", "motor vehicle driver's license", "State", and "voter registration agency".

## SECTION 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE

*House bill*

Section 4 requires that each State establish procedures to register to vote in elections for Federal office by application made simultaneously with an application for a motor vehicle driver's license (motor voter), by mail application, and by application at a designated Federal, State or nongovernmental office (agency based registration). The bill would exempt any State that has no registration requirement to vote in a Federal election or any State that permits registration at the polling place at the time of voting in a Federal election.

*Senate amendment*

The amendment includes the same requirements for registration as the House bill, but limits the exemption to States that had enacted such a provision on or prior to March 11, 1993 and in effect continuously on and after that date. It also extends that exemption to any State that had enacted such legislation on or prior to that date, but provided that it would go into effect only upon enactment of this Act. To qualify, a State must provide such registration procedures for Federal elections in the year of the Presidential election.

*Conference substitute*

The Conferees agreed to the Senate amendment with the modification that such State provision must apply to Federal elections generally, not just to those in Presidential election years. This modification retains the provisions and requirements of the Senate amendment regarding the effective date and enactment date of such State laws, and the provision of the House bill that such State laws must apply to all Federal elections, not just those occurring in the same year of a Presidential election. There was concern that the State amendment might be interpreted to exempt a State that permitted election day registration, or that had no registration requirement, for voting for Presidential electors only, which is not the intent of the conferees.

## SECTION 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE

*House bill*

Section 5 provides that an application for State driver's license or the renewal of a driver's license shall serve as an application for voter registration. It provides that an applicant for a license may decline in writing to be registered by means of that application. It further requires that the application form include a means by which the applicant may decline to register.

It requires that the voter registration application shall be part of the driver's license application; shall not require information which duplicates the license portion of the form except such information as shall be required to prevent duplicate registration and to make an assessment of eligibility; shall include a statement that specifies each eligibility requirement, contains an attestation clause that applicant meets each requirement and requires signature of applicant under penalty of perjury; and shall be transmitted to the appropriate state election officials. There is no provision pertaining to a transmittal deadline.

*Senate amendment*

The Senate amendment is similar to the House bill with the following modifications:

1. The Senate amendment does not include the provisions of the House bill pertaining to

declination. Rather, it provides that the failure of the applicant to sign the voter registration portion of the application serves as a declination to apply to register.

2. The voter registration application form must, in addition to the requirements set forth in the bill, include in print that is identical to the attestation statement, a statement of the voter eligibility requirements, penalties for submitting a false application, and that the fact of declining to register and place of registration are confidential and will be used only for registration purposes. A similar change was made for the mail registration application.

3. The Senate amendment contains a transmittal provision identical to that contained in the agency section of the House bill. The voter registration portion of a driver's license application must be transmitted to the appropriate State election official no later than 10 days after it has been accepted, or not later than 5 days after the date of acceptance, if the application has been accepted within 5 days of the deadline for registering.

*Conference substitute*

Same as Senate amendment. Under the House bill, the failure of the applicant to sign the voter registration portion of the application is not addressed, and the conferees agree that the Senate amendment clarifies the outcome of a failure to sign, so that the applicant would be considered to have declined.

## SECTION 6. MAIL REGISTRATION

*House bill*

Provides that each State shall accept and use a mail voter registration application form promulgated by the FEC. In addition, a State may develop and use its own form which meets the criteria of the FEC form. Notarization or other formal authentication is not allowed. Forms shall be readily available for public and private distribution, and especially for organized registration programs.

A State may, by law, require a personal appearance to vote if the person was registered to vote in a local jurisdiction by mail and the person has not previously voted in that jurisdiction. Individuals who are entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act and those provided the right to vote other than in person by the Voting Accessibility for the Elderly and Handicapped Act, or any other Federal law, are exempt. There is no provision pertaining to undelivered notices.

*Senate amendment*

The Senate amendment is similar to the House bill but with an additional provision pertaining to undelivered notices. It provides that for applications made by mail, if a State sends a notice of the disposition of the application by non-forwardable mail and, if the notice is returned undelivered, the registrar may remove the name of the applicant in accordance with the procedures contained in the purge section of the Act.

*Conference substitute*

The substitute is the same as the Senate amendment, with a modification in the language to make clear that this provision applies only to notices sent pursuant to Section 8(a)(2) in response to applications by mail. In addition, the technical modification clarifies that a State may not simply remove the name of the applicant from its list, but, rather must follow the regular process set forth in section 8(d).

## SECTION 7. VOTER REGISTRATION AGENCIES

*House bill*

State, Federal and private sector locations shall be designated for the distribution and processing of voter registration applications. States shall designate all offices providing public assistance, unemployment compensation, and related services, and all offices which provide State-funded programs primarily engaged in providing services to persons with disabilities as registration agencies. Such designated offices, shall provide the same assistance in completion of registration application as is provided with regard to that agency's forms. States shall designate other agencies, which may include libraries, schools, fishing/hunting license bureaus, marriage license offices, and any offices that provide services to persons with disabilities to provide forms, assistance and processing of voter registration applications. The Federal Government shall cooperate in this program.

An applicant for services may decline in writing to be registered to vote and no information relating to a declination may be used for any other purpose. If a voter registration office designated by a State provides services to a person with disabilities at the person's home, the office shall provide the voting registration services at the person's home.

*Senate amendment*

The Senate amendment is similar to the House bill, but includes three significant changes. The agency program at offices that provide public assistance, unemployment compensation and related services is made discretionary with the States. The Senate amendment also provides that assistance is to be provided to an applicant unless the applicant refuses assistance.

The Senate amendment mandates that recruitment offices of the Armed Forces be designated voter registration agencies for the purposes of the Act. The provision requires the Secretary of Defense to work with each State to develop and implement procedures for persons to apply to register at recruitment offices.

*Conference substitute*

This provision is similar to the Senate amendment, but it makes two changes. First, agency-based registration at public assistance agencies and at agencies providing services to disabled persons is made mandatory as it was in the House bill. Unemployment compensation offices are included in the discretionary program as in the Senate amendment. The provision of the Senate amendment regarding assistance to applicants by such agencies is retained.

The conference is concerned that the Senate amendment would permit States to restrict their agency program and defeat a principal purpose of this Act—to increase the number of eligible citizens who register to vote. If a State does not include either public assistance, agencies serving persons with disabilities, or unemployment compensation offices in its agency program, it will exclude a segment of its population from those for whom registration will be convenient and readily available—the poor and persons with disabilities who do not have driver's licenses and will not come into contact with the other principle place to register under this Act. It is important that no State be permitted to so restrict its agency registration program. To eliminate the mandatory agency program altogether will not accomplish the objectives of this Act, since the States are already free to establish agency registration. The only way to assure that no State



can create an agency registration program that discriminates against a distinct portion of its population is to require that the agencies designated in each State include an agency that has regular contact with those who do not have driver's licenses.

Of those agencies included in the mandatory program in the House bill, it appears to the conferees that those agencies most likely to have such contact and complement the motor vehicle agency registration program are those agencies that provide public assistance and services to persons with disabilities. By public assistance agencies, we intend to include those State agencies in each State that administer or provide services under the food stamp, medicaid, the Women, Infants and Children (WIC), and the Aid to Families With Dependent Children (AFDC) programs. If the States are required to include these programs, as well as those that provide assistance to persons with disabilities, we will be assured that almost all of our citizens will come into contact with an office at which they may apply to register to vote with the same convenience as will be available to most other people under the motor voter program of this Act.

The second change is intended to deal with concerns raised about the inclusion of certain agencies in an agency-based registration program and the possibility of intimidation or coercion. Concern was expressed that in agencies that provide benefits, staff might suggest that registering to vote could have some bearing on the availability of services or benefits provided by that agency. In addition to the provisions in the House bill relating to coercion and intimidation, the conference substitute includes specific provisions to address that situation.

One provision (Section 7(a)(5)(D)) would prohibit a person providing services at an agency from making any statement to an applicant or taking any action that could lead the applicant to believe that his or her decisions regarding registering to vote had any bearing on the availability of services or benefits.

Another provision (Section 7(a)(6)(B)) would require an agency to include on a form the question "If you are not registered to vote where you live now, would you like to apply to register to vote here today?" In response to that question, the form would include a box for the applicant to accept or decline to apply to register to vote. Failure to check either would be deemed a declination for purposes of this provision. In addition to that question, these forms would include a statement to the effect that if the applicant would like assistance in completing the application, the agency staff is available to provide that assistance; and that such a decision is left to the individual with a further statement that the applicant may complete the voter registration application in private. Such form would also include the statement: "Applying to register or declining to register to vote will not affect the amount of assistance you are provided by this agency."

The form would also include a statement advising the applicant that he or she may file a complaint with the appropriate State official should that applicant believe that someone has interfered with his or her right to register, or to privacy, or to choose his or her own political party or preference. The appropriate official's name, address and telephone number would be included with that statement.

To insure effective voter registration programs without coercion and intimidation the conferees have looked to ongoing agency-

based registration programs. Some States, such as Pennsylvania and Minnesota, which have already developed an agency-based registration program in agencies that provide benefits have incorporated into their agency forms similar statements and questions to applicants informing them of their rights.

The conferees believe that based on the experience of these States, the inclusion of such questions and statements on the agency forms in an agency-based program would serve to deter coercion and intimidation in such a program.

#### SECTION 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION *House bill*

This section includes a number of administrative requirements. It provides that the registration cutoff may be no more than 30 days before election or such lesser period as State may provide. It requires that the State election officials notify each applicant of the disposition of his or her registration application. The bill provides that a voter's name may be removed from voter rolls only: (1) at the request of the voter; or (2) as provided by State law, by reason of criminal conviction or mental incapacity. The States shall conduct a general program that makes a reasonable effort to remove the names of ineligible voters by reason of (1) death; or (2) by reason of a change of residence of the voter. A voter's name may not be removed for non-voting. Any State program or activity designed to ensure the maintenance of an accurate and current voter registration roll shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965. It does not permit a State to conduct a systematic procedure to confirm voting lists within 90 days before a Federal election. A State may use the National Change of Address (NCOA) program and may make the change of address on the registration rolls with a notification to the voter of such change.

No State may remove the name of a voter from the rolls due to possible change of address unless the registrant confirms in writing to have moved out of voting jurisdiction, or the voter fails to respond to a notice and does not appear to vote and correct the record during period between date of notice and second general election for Federal office. Where the change of address is to an address covered by the same polling place, the voter shall be permitted to vote upon oral or written affirmation of the change of address. If a registrant has moved to a residence in a new polling place within the jurisdiction of the same voting registrar and the same congressional district, the registrant shall be permitted to vote in one of the following manners, at the option of the registrant: (1) with oral or written affirmation of the new address at the old polling place or, (2) upon written affirmation of the change of address at a designated central location where a list of eligible voters is maintained. Such a registrant may also appear at the appropriate polling place for the new address for the purposes of correcting the registration record, and shall vote, if permitted by State law. If State law permits voting at the new polling place, by oral or written affirmation of the current address, voting at the other locations need not be provided as options. If registration records indicate that a registrant has moved, and in fact has not, the registrant may vote upon oral or written affirmation that he or she continues to reside at the same address.

The bill also provides that State and local voting registration officials would be able to receive reduced postal rates for the purpose

of making any mailing which is required or authorized by the Act. This reduced rate would be funded through a revenue foregone appropriation.

Each State is required to maintain and make available for public inspection and copying upon payment of reasonable costs, all records concerning the implementation of programs and activities designed to ensure the accuracy of the voting rolls. These records shall include lists of the names and addresses of those individuals sent notices and information regarding whether or not these individuals have responded. The identity of the voter registration agency through which any particular voter is registered shall not be disclosed to the public.

#### *Senate amendment*

The amendment is the same as the bill with the exception of the location at which a voter may vote upon written or oral affirmation after moving from one location to another within the same registrar's jurisdiction and same Congressional district. That provision is modified to provide that if State law permits voting at either the old polling place, a central location, or the new polling place, by oral or written affirmation of the current address, voting at the other locations need not be provided as options.

#### *Conference substitute*

This section is the same as the Senate amendment with a further modification of the provision regarding the polling place at which a person may vote who has moved to another address within the jurisdiction of the same registrar and the same Congressional district. It provides that if State law permits voting, under such circumstances, at either the old polling place or the new polling place, by oral or written affirmation, voting at the other locations (old polling place or central location) need not be provided as options to the registrant.

There was concern that permitting a State to require a person to go to a central location to change his or her address and vote could result in hardship to voters in areas where travel to a central location might be difficult due to distance or the lack of convenient means of transportation. Such problems could discourage, or even effectively prevent, some persons from voting. The effect of the amendment is to give each State the option of designating either the polling place for the old address or for the new address. If a State does not provide for voting under those circumstances at either of those locations, the Act would require that the registrant have the option of voting at the polling place for his or her old address or at a central location.

#### SECTION 9. FEDERAL COORDINATION AND REGULATION

##### *House bill*

The House bill provides the Federal Election Commission the general authority to promulgate appropriate regulations necessary to carry out the Act. In addition, the Commission is to consult with chief election officers of the States to develop a mail voter registration application form for Federal elections and to submit to Congress, by June 30 of each odd-numbered year, a report assessing the impact of the Act on the administration of elections for Federal office and recommendations for improvements in procedures, forms or other matters.

##### *Senate amendment*

The Senate amendment is identical to the House bill, except that it limits the Commission's regulatory authority to prescribing

only those regulations necessary to carry out its specific responsibilities in designing the mail registration application form and in reporting to the Congress.

#### Conference substitute

Adopts the Senate amendment. Although the Senate amendment narrows the provision contained in the House bill, the conferees expect the Commission to play an advisory role to the States and to facilitate the exchange of information among the States.

#### SECTION 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL

The House bill, Senate amendment and Conference substitute are identical and require that each State designate an official to coordinate State responsibilities under the Act.

#### SECTION 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION

##### House bill

The bill provides that civil enforcement through injunction or declaratory relief may be brought by the U.S. Attorney General, or a person with notice to the chief election official of the State. The rights and remedies established by the Act are in addition to any other rights and remedies provided by law and no provision shall supersede, restrict, or limit the application of the Voting Rights Act of 1965. Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965.

##### Senate amendment

Same as House bill.

##### Conference substitute

Same as House bill.

#### SECTION 12. CRIMINAL PENALTIES

##### House bill

Federal criminal penalties will apply for registration offenses which are knowing and willful and fines are to be disposed of in accordance with Title 18 of the United States Code.

##### Senate amendment

The amendment is identical to the House bill except for the disposition of fines, which are paid into the general fund of the Treasury. This modification was necessary to avoid a Budget Act point of order.

##### Conference substitute

Same as Senate amendment.

#### SECTION 13. RULE OF CONSTRUCTION

##### House bill

No provision.

##### Senate amendment

Provides that nothing in this Act shall prevent a State from requiring presentation of documentation relating to citizenship of an applicant for voter registration.

##### Conference substitute

The conferees agree with the House bill and do not include this provision from the Senate amendment. It is not necessary or consistent with the purposes of this Act. Furthermore, there is concern that it could be interpreted by States to permit registration requirements that could effectively eliminate, or seriously interfere with, the mail registration program of the Act. It could also adversely affect the administration of the other registration programs as well. In addition, it creates confusion with regard to the relationship of this Act to the Voting Rights Act. Except for this provision, this Act has been carefully drafted to assure that it would not supersede, restrict or limit the application of the Voting Rights Act.

These concerns lead the conferees to conclude that this section should be deleted.

#### SECTION 14. EFFECTIVE DATE

##### House bill

The bill provides that the Act will take effect January 1, 1995 in all States except those with constitutional provisions that would require a separate State and Federal voter roll. In order to give those States sufficient time to amend their constitutions to permit compliance without dual voter rolls, an effective date of January 1, 1996 is set.

##### Senate amendment

The amendment includes the same provisions as the bill and adds a further extension for any State that cannot amend its constitution before the 1996 effective date without a special election. For any such State, the effective date would be the date that is 120 days after the date by which it would be legally possible to amend the State constitution without a special election.

##### Conference substitute

Same as Senate amendment.

CHARLIE ROSE,  
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DANIEL K. INOUE,

*Managers on the Part of the Senate.*

#### EXPEDITED RESCISSIONS ACT OF 1993

The SPEAKER pro tempore. Pursuant to House Resolution 149 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1578.

□ 1705

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1578) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, with Mr. SWIFT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from South Carolina [Mr. DERRICK] will be recognized for 30 minutes; the gentleman from New York [Mr. SOLOMON] will be recognized for 30 minutes; the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes; and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. DERRICK].

#### PARLIAMENTARY INQUIRY

Mr. SOLOMON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. Mr. Chairman, I would like to perhaps have a short colloquy with the floor managers of the bill in that since the Committee on Government Operations is recognized for 1 hour equally divided between the Democrat side and the Republican side, and the same would hold true for the Committee on Rules, is it the intention of the Chair to recognize all four utilizing their time at the same time? That is the usual custom.

The CHAIRMAN. The Chair will follow any recommended procedure; the Chair will follow any recommended order that is agreed upon by the four floor leaders.

Mr. SOLOMON. Mr. Chairman, I would just say to my good friend, the gentleman from South Carolina [Mr. DERRICK], that it is our suggestion that we be able to debate the 2 hours all at one time, rotating with the four managers as they see fit.

Mr. DERRICK. That is fine.

Mr. SOLOMON. Is that agreeable to the gentleman?

Mr. DERRICK. Yes.

Mr. SOLOMON. Then I assume it is agreed to, and that is the order we will proceed in, Mr. Chairman.

□ 1710

Mr. DERRICK. Let me make sure I understand. I was not exactly sure. What was the gentleman's proposal on the time?

Mr. SOLOMON. The proposal was, under the usual order of the House, on past bills of this nature that when we have two committees involved, that we rotate the time of the two committees, the Republicans and Democrats on each side, so that we would use up the time equally as we proceed. In that way both of the committees of jurisdiction could be involved in the entire debate.

Mr. DERRICK. Does the gentleman object to maybe doing the Rules time first and then recognizing—letting Government Operations go next? I mean 1 hour and 1 hour. Is there any objection?

We have a chairman who would prefer to do it that way. I really am ambivalent about it.

Mr. SOLOMON. With all due respect, there were many Members on this aisle where some of the Members have other obligations and they do not want to have to wait for the second hour. Out of fairness to those who do have obligations, if you rotated the time equally, we would be able to accommodate those Members.

Mr. DERRICK. If we rotate, then everyone has to stay here for the full 2 hours. That is the point. I thought maybe we could—

Mr. SOLOMON. Only the managers of the bill.

Mr. DERRICK. Well, I am concerned about that.



Mr. SOLOMON. Well, you and I usually take a beating, Mr. DERRICK, anyway; we are here all the time.

Mr. DERRICK. Would the gentleman object to doing it the other way? One of our chairmen has specifically requested it, and I would like to honor his request if we could.

The CHAIRMAN. The Chair will begin by recognizing the gentleman from South Carolina [Mr. DERRICK], in the hope that the conversation may continue while we proceed with the debate on the bill.

I recognize the gentleman from South Carolina.

Mr. DERRICK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am delighted today to bring to the floor H.R. 1578, the Expedited Rescissions Act of 1993.

On November 3 the American people voted for change. They elected a new President to bring them that change.

The President has laid out a far-reaching program, many parts of which have already been debated at great length on this floor. In the weeks and months ahead there will be more such debates. I believe, with the help and support of this Congress, President Clinton will succeed in changing this Nation for the better.

The legislation before us today is a key aspect of the President's program: a modified line-item veto.

As did his predecessors, this President has emphasized time and time again that he needs such a power. I believe the time is long overdue to give it to him.

The legislation before the House is actually very simple. After the President signs an appropriations act he may, within 3 days, send the House a special message proposing to rescind, or cancel, any line items in the bill which he might oppose.

Within 2 days of receipt of the President's message, either the majority or minority leader would introduce the President's bill. If neither leader introduced it, then on the third day any Member could do so.

The bill would be referred to the Committee on Appropriations, which would have 7 legislative days to report it out.

The committee could not propose changes to the President's bill, but it could report an alternative bill if it chose. An alternative bill would have to rescind at least as much as the President's bill, and draw its rescissions from the same appropriations act as the President.

The President's package would have come to a vote in the House within 10 days of when it was introduced. The bill would not be subject to amendment or to a demand for a division of the question. In other words, the House would have to vote, up or down, on the President's package as he submitted it.

If approved by a majority, the bill would go to the Senate which would

consider it under similar, expedited procedures and constraints. If the legislation passed the Senate by majority vote, it would go to the President. Presumably the President would sign it into law since it would be his proposal. Appropriations would be canceled, spending would be cut, and the deficit would be reduced.

If the House rejected the President's bill and instead passed the alternative bill, that bill would go to the Senate. The Senate Appropriations Committee could report out the alternative bill with or without change, but for any alternative to be in order in the Senate, the Senate would first have to vote on and reject the President's bill. If both houses ultimately passed an alternative to the President, then that bill would go to the President. If he signed it, those appropriations would be canceled, spending would be cut, and the deficit reduced. Either way, the American taxpayer would be the big winner.

Mr. Chairman, the bill is a temporary, 2-year experiment. After the 2-year test, the Congress can review the process and decide whether to extend it with or without change.

One of the concerns many Members have about a true line-item veto, which would require a constitutional amendment, involves the dramatic shift of power it would make from the Congress to the executive branch.

The Framers of the Constitution could have given the President an item veto; they certainly knew how to do it. But they declined to do so. In fact, the President's current qualified veto was itself a compromise; some of Founding Fathers wanted to give the President no veto at all. The Constitution is a beautiful document, and I have never felt we should lightly tamper with it. Besides, amending the Constitution requires a two-thirds vote in each House of Congress and ratification by three-quarters of the State legislatures. That process could take years. I don't believe we can afford to wait years for this reform.

Moreover, Mr. Chairman, last fall I held extensive hearings in the Rules Subcommittee on the Legislative Process on the forerunner of the legislation before us today. We heard compelling testimony from several witnesses, including a distinguished State legislator from Wisconsin, who warned us it is possible for a chief executive to use a line-item veto not only to reduce spending, but also as a weapon to increase spending on his own pet programs. The option for a congressional alternative to the President's bill will mitigate this possibility.

H.R. 1578 will take Congress through two full appropriations cycles. Two full cycles will give us ample evidence to weigh in determining whether the modified line-item veto actually serves the people's interests and reduces spending, or not. If it works, and I be-

lieve it will, then we can extend it or make it permanent at that time.

Mr. Chairman, I strongly believe the bill is constitutional. The American Law Division of the Library of Congress has rendered an opinion to the effect that it is constitutional. But some have raised questions, and as a precaution the bill includes provisions for expedited review in the courts.

Mr. Chairman, I have supported the legislative line-item veto for many years in an attempt to enhance accountability on both ends of Pennsylvania Avenue for our country's fiscal decisions. I am sure no Member considers the line-item veto a cure-all for our Nation's deficit problems. But I believe H.R. 1578 is a good bill and every Member ought to support it. The Clinton administration, which participated actively in the process which brought us to the floor today, believes it is a good bill.

Later the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. SOLOMON] may offer a substitute amendment to change the bill from one requiring the Congress to approve the President's rescission bill to one requiring the Congress to disapprove the President's rescissions. The Castle-Solomon amendment would convert the President's rescissions from mere proposals to reality. Under their approach the President's proposal would take effect permanently and appropriations would be canceled unless Congress re-enacted them within a specified time.

Since the President would probably veto any bill to disapprove his rescissions, the Castle-Solomon amendment would in effect require Congress to muster a two-thirds majority in both Houses to prevail.

I hope the Members will reject this unwise amendment. It would mark a tremendous shift of power from Congress to the Presidency. The amendment is based on the notion that Presidents institutionally want to spend less than Congresses do. I have no reason to draw such a conclusion. I know Presidents often want to spend money on different things than Congresses do, but not necessarily less.

Mr. Chairman, the President has said if we do not change, we will not recognize this country in 10 years. He has asked virtually every sector of our society to join him in making sacrifices, cutting unnecessary spending, reducing the deficit, and changing from business as usual. This Congress has already responded to the President's clarion call for change by passing his budget.

Mr. Chairman, the line-item veto is a key part of the President's legislative program. The President believes we must use every weapon at our disposal to win the battle against the Federal budget deficit, the special interest, and to defeat those who would resist change and preserve the status quo.

The legislative line-item veto is just such a weapon. It will not cure our deficit problem, but it will help by enhancing accountability for spending decisions.

No longer would a President be able to sign an appropriations act including wasteful line-items and claim he was powerless to block them. No longer could Congress force upon the President the dilemma of vetoing an entire appropriations act and shutting down the Government, or signing the whole thing, pork and all. Accountability is what we need, and accountability is what this bill will provide. I urge all Members to support the legislation and oppose the Castle-Solomon amendment.

Mr. Chairman, I submit for the RECORD a letter from the President to the Speaker, Mr. FOLEY, urging our support for this legislation.

THE WHITE HOUSE,  
Washington, April 27, 1993.

Hon. THOMAS S. FOLEY,  
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I am writing in support of the substitute for H.R. 1578, the Expedited Rescissions Act, which has been made in order for House Floor consideration by the Rules Committee in H. Res. 149.

As you know, I support a line-item veto to reduce wasteful government spending. The bill about to be considered by the House would give the President modified line-item veto authority which I believe would go a long way toward achieving the purposes of a line-item veto.

The bill would enable the President to reject items in an appropriations bill. Those items could then be approved only by a separate vote in the Congress. The measure essentially would expedite the existing process for consideration of rescissions.

I believe this bill would increase the accountability of both the executive and legislative branches for reducing wasteful spending. It would provide an effective means for curbing unnecessary or inappropriate expenditures without blocking enactment of critical appropriations bills. Some have expressed concern that this proposal might threaten the prerogatives of the Congress, but I do not believe that it would shift the constitutional balance of powers that is so critical to the success of our form of government.

I urge the House to work with me to control government spending by agreeing to consider the expedited rescission issue and by adopting H.R. 1578 as set forth in Part 1 of the Rules Committee's report.

Sincerely,

BILL CLINTON.

□ 1720

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from South Carolina for yielding me half of his valuable time. I yield myself such time as I may consume.

Mr. Speaker, last November 16 I wrote to President-elect Clinton and warned him not to be "snookered" by the Democratic leadership into thinking that the so-called expedited rescission bill was a real true line-item veto.

It is not. As a matter of fact, the gentleman from Texas [Mr. STENHOLM],

the major cosponsor of the bill, took the floor not less than a half hour ago to say that it was not a line-item veto. So let us not get these things mixed up.

Instead of requiring a super, two-thirds majority to override a President's line-item veto, this expedited rescission bill permits a simple majority of either House to block a President's rescissions, 50 percent plus one.

In other words, it would take only 51 Senators to reverse the President's cancellation of wasteful spending items in an appropriation bill.

That is not a line-item veto.

Let me repeat that. Under this expedited rescission bill, either House can override the President's proposed spending cuts and permit the little porkers to run hog-wild and free.

Mr. Speaker, President Clinton, as a Presidential candidate last year, said over and over again that he wanted a real line-item veto when he became President.

In his campaign book of promises entitled, "Putting People First," and I have the book in my office, and so does the Speaker, he wrote, and I quote: "To eliminate pork-barrel projects, and cut government waste, we will ask Congress to give the President the line item veto."

And yet, Mr. Speaker, we are told today that in the spirit of compromise with the Democrat leadership of this House, the President now supports this weak-kneed alternative to a line-item veto that allows as few, and I repeat, as 51 Senators to overturn him. That means we are never going to eliminate any line items, period.

Mr. Speaker, all this Spratt-Stenholm bill does—with all due respect to the two sponsors who I greatly respect—is to package and expedite the current rescission approval approach contained in the Budget Act, and mandate that the House vote on it.

Well, Mr. Speaker, Big Deal.

If the House rejects the President's spending-cut package, we are told this new bill would mandate consideration of an alternative bill reported by the Appropriations Committee—that is, if they bother to report any bill at all.

Otherwise, there will be no spending cuts, only more spending increases.

If the House approves the President's spending cut package but the Senate rejects it, then maybe a Senate Appropriations alternative will be considered.

But, this runs into constitutional problems if we treat rescissions as we do appropriation bills which must originate in the House, not the Senate.

So we are left between a marshmallow and a soft place, which is probably where we deserve to be since this bill has no teeth to speak of at all.

Mr. Speaker, our Republican approach, on the other hand, reverses the current rescission process by saying

that the President's—any President's—rescission package will stand unless a majority of both Houses have the guts to stand up and disapprove them and the disapproval bill becomes law.

Since the President would likely veto such a disapproval bill, because it is his bill, our approach would ultimately require a two-thirds vote of both Houses to override the President and force the money to be spent.

Now that is about as close to a true line-item veto as you can get without going the constitutional route which we cannot do in a matter of days or even months or even years.

That is the approach taken in most of the 43 States where Governors have been given line-item veto authority, like the gentleman from Delaware who is now a member of this body.

I think it is terribly important, Mr. Speaker, to make this distinction at the outset between expedited rescissions and line-item veto, enhanced rescissions.

Let no one in this House or elsewhere be deluded into thinking that if you pass H.R. 1578 you will be giving the President the line-item veto. Read all the editorials around the country.

Compared to a true line-item veto, this bill is little more than a wet noodle on a fast track to nowhere.

Mr. Speaker, I am grateful that the Rules Committee has at least seen fit to make our Republican line-item veto amendment in order.

And I want to commend our distinguished Republican freshman class and their task force that has been working on this issue—Representatives MIKE CASTLE of Delaware, JACK QUINN of New York, and PETER BLUTE of Massachusetts.

And I also want to commend our distinguished Republican leader, BOB MICHEL, for developing his amendment to include special interest tax provisions which are targeted at a single individual or single firm for inclusion under the President's enhanced rescission authority under our bill.

I only regret that the Rules Committee did not see fit to give us an open rule to allow our Republican leader to offer that same amendment to the real base text of the bill, which is the one that has the best chance of passing.

I think it would strengthen whichever approach ultimately prevails in this House.

And I also regret that the Rules Committee shut-out their own Democrat freshmen who had a substitute that made the Spratt bill permanent instead of 2 years and extended it to cover tax expenditures, which is what the amendment of our Republican leader, the gentleman from Illinois [Mr. MICHEL] does. That was a good approach.

Mr. Speaker, I know that some of the Democrat freshmen say they can support the Spratt bill, or at least the earlier version of it.



But I think they had an interesting and valuable alternative contribution to make to this debate and that they should have had their day in court, and if we had defeated the rule a few minutes ago that passed by a couple votes, they would have had that day in court.

Mr. Chairman, I want to urge my colleagues to vote for the Castle-Solomon substitute which gives the President true legislative line item authority over all appropriation bills in fiscal years 1994 and 1995. Let us give it a trial run and see how it works.

And I urge my colleagues to vote for the Michel amendment to that amendment which would give the President the same authority over these special tax provisions that only benefit one or two or a limited group of individuals. That is wrong and that is what the American people want corrected.

Mr. Speaker, should our true line-item veto substitute fail, this House is left with another up or down vote on a bill that has no more teeth than existing law. It has not had one day of hearings, as my good friend, the gentleman from Pennsylvania [Mr. CLINGER] from the Government Operations Committee will attest to in a few minutes, and passing it will do nothing but take the pressure off the Congress for years to come to take up a real line-item veto. The President and the leadership of this House will claim that the President already has the line-item veto, when in fact he absolutely has nothing.

And it will probably take several years before the American people even realize they have been hoodwinked and snookered. And then they will be madder than ever that Congress is playing the same old games.

Mr. Speaker, I say all this in criticism of the bill and not in criticism of the gentleman from Texas [Mr. STENHOLM] or the gentleman from South Carolina [Mr. SPRATT] who have brought this matter this far. They are both gentlemen who are honest and sincere about what they are doing.

They have made it quite clear on this floor on numerous occasions that this bill is not a true line-item veto.

The gentleman from Texas [Mr. STENHOLM] is sitting over there right now, and I hope he is going to get up and say it again. He will stand up and say that he opposes a true line-item veto, and by voting for this bill, you are not voting for a line-item veto. That is very clear.

But even the President is already referring to this as a "modified line-item veto" to enable him to back away from his campaign promise. And it will not be long, I am sure, before the President drops the term modified and tries to claim credit for this as the line-item veto he promised. Members of this House, we must not mislead the American people.

Let us call a spade a spade and a wet noodle a wet noodle. You can vote

down this piece of soggy pasta. You can vote for the Castle-Solomon spade that will enable the President to root out wasteful Government spending and give those porkers the decent burial they deserve.

That is what the American people want and that is what we should have the guts to stand up and vote for and put our partisan bickering aside.

Vote for a true line-item veto. You can do it by voting for Castle-Solomon tomorrow morning when we take up that amendment.

□ 1730

Mr. SPRATT. Mr. Chairman, I yield myself 5½ minutes.

Mr. Chairman, I rise to support H.R. 1578 and to explain how it works.

This bill, Mr. Chairman, arms our President with a new option. When the Congress sends him an appropriation bill today, he has two clear choices. He can sign it or he can veto it, and one murky choice: He can also, under present authority, rescind it and send a rescission measure up to the Congress seeking to cut out spending that he thinks is wasteful or unwarranted. But he has no idea what will happen to that rescission when it gets there. This bill addresses that uncertainty and gives a roadmap to the President, gives him a guarantee, an assurance, that, if he sends us rescinded items, deleted items, that he thinks ought to come out of appropriations bills, then within a short period of time he is guaranteed consideration on a vote on the House floor.

Now this bill has been attacked in the debate today as a sham, something that is not really workable, not in addition to the process. Well, it is unfair. It has also been said that there have been no hearings on the bill. Our committee, the Committee on Government Operations, had a hearing on March 3 and 4, 1993. We had witnesses from GAO, Mr. Socolar, from CBO, Mr. Reischauer, from OMB, Mr. Panetta himself, from Brookings, Dr. Joe White, an economist, from CRS, Lou Fisher, a respected fiscal expert, Mr. MICHEL, the minority leader, and the gentleman from Texas [Mr. STENHOLM]. A complete hearing on this bill was debated once before in effect because it is the same version. It is an updated version of a bill that we adopted last year, passed in the House in October of last year.

Built into this bill is a very carefully wrought roadmap, a schedule, a procedure, so that the President is assured he gets a vote when he sends this matter up here. By the close of the second legislative day, within 2 legislative days after he sends it up here, the bill calls upon the majority leader, or the minority leader, to introduce the bill that the President has requested. Failing action by the majority leader, by the minority leader, any Member in

this House, any Member, may introduce the President's rescission bill on the third legislative day after it is sent up. That is the fast track.

Once the bill is filed, the bill goes to the Committee on Appropriations. The Committee on Appropriations has 7 legislative days to report the bill without any substantive revision because one thing this does also guarantee the President is a guarantee he does not now have under the law of the Constitution. It is that whatever rescission request he sends up here, he gets it considered in that matter, no changes, no substantive revisions.

Within 10 legislative days after the bill's introduction, the bill comes to the floor, and the House must vote on it up or down, as is, no changes. In addition to guaranteeing the President the vote, an expedited vote, a fast track, this bill gives him a vote on his specific request, as I said, with our substitute revision.

Now, Mr. Chairman, the bill that was first filed by my colleague, the gentleman from Texas [Mr. STENHOLM], would have established a procedure by which 15 Members could move to break out individual spending items for a separate vote. This bill does not set up a separate procedure as such for the following reasons:

First of all, that procedure would deny the President a vote on his own request, his own specific request, and OMB has made it clear that the President wants that prerogative. The President says so in the letter he sent the Speaker today. Second, if we allow individual items to be broken out for separate votes, we complicate the procedure on the floor of the House, and we prolong the consideration of this bill, and we are committed to having fast track, to having it brought up here and considered in a hurry, because keep in mind for the most part this is going to happen at the end of a session, and, if we do not act soon, we will not act at all.

So, Mr. Chairman, we gave the President in this bill the right to a specific action on his specific requests, but we also upheld the prerogatives of the Committee on Appropriations. We did not trample upon their rightful expectations in that this bill, as amended by the rule, the Committee on Appropriations itself may report an alternative bill provided that its bill rescind at least as much budget authority as the President's bill. All of the cuts in the alternative bill have to come out of the same appropriations act which the President himself pursues, and when the House takes up this rescission bill, however, it must vote on the President's rescission request. It cannot offer the Committee on Appropriations' substitute because the substitute can displace the request. That ensures that the House will act on it expeditiously.

When it goes to the Senate, the same procedure is repeated. The Senate Ap-

appropriations Committee also has the alternative of offering an option itself, its own option, but again in the Senate, as in the House, the President's request must be voted upon first.

Now, Mr. Chairman, I am under no illusion that this bill, or any enhanced or expedited rescission bill, or any line-item veto for that matter, if it were constitutional, is going to solve the deficit, even bring it down significantly. But our bill does guarantee at least one extra round of security for all public money we spend. If we arm the President with this extra power, frankly I do not think he will use it that much. I think it will probably serve the purpose more of inhibiting expenditures in the process here in the Congress than of resulting in rescission that comes from the White House. But either way, either way, I think we will strengthen the budget process and the public's respect for how we spend their money.

Mr. Chairman, that is why I urge the support and passage of this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the media has reported that the House has under consideration legislation to give the President veto authority over individual spending items. How wrong can they be? Even the Congressional Monitor has referred to today's bill as a modified line-item veto. They should know better. Others have said that the whole subject is an arcane sort of inside the beltway family fight about congressional process and procedure of really insignificant or marginal importance. They are dead wrong.

Mr. Chairman, there is a lot at stake here. There are a lot of very significant things at stake here, and we risk, with the votes we take today, losing an opportunity to get a real tool to do something about the deficit which is eating us alive.

So, I rise today, along with many of my colleagues, in opposition to the Expedited Rescissions Act of 1993. I do so with some measure of reluctance because in the past, and indeed in the present, I admired and supported proposals from the gentleman from Texas [Mr. STENHOLM], and I have great respect for the gentleman from South Carolina [Mr. SPRATT].

□ 1740

I am also reluctant because I have long supported efforts to provide the President with a line-item veto or legitimate enhanced rescission authority. In fact, I was an original cosponsor to Mr. STENHOLM's original legislation and have also cosponsored proposed line-item veto amendments to the Constitution.

The bill before us today, unfortunately, is a weak substitute designed

to give this President, and only this President, token powers. The message from the majority is loud and clear: No meaningful powers shall be granted to the Executive to cut wasteful spending and whatever token power is given, Republican Presidents need not apply.

So today I am opposing this bill in its present form for two major reasons. One is based on procedural grounds and the other is based on the fundamental weaknesses associated with the bill.

First, I oppose this proposal due to the expedited means by which it was brought to the floor. I will insert into the RECORD a copy of a letter I sent to minority leader ROBERT MICHEL on March 30, regarding the expedited consideration of this legislation. In that letter I express my concern with the practice of bypassing normal committee procedures and taking important legislation such as this to the House floor without due consideration by the appropriate committee of jurisdiction.

The Government Operations Committee conducted one legislative hearing this year on the general issue of enhanced rescission authority, but no regular mark-up was held and no opportunity was given to Members on either side of the aisle to offer amendments. My committee chairman, Mr. CONYERS, before the Rules Committee said he was confident that the measure before us would have been voted out of the Government Operations Committee in its present form. I am not at all certain that this is true, and now, of course, we will never know.

Having already taken this expedited path to the House floor, however, I called upon the Rules Committee to report a rule which granted the widest possible latitude in considering amendments. If amendments could not be widely considered by the committee of jurisdiction, they should at least be allowed on the House floor. Unfortunately, that is not being done here today. Once again the minority has been gagged and denied any opportunity to contribute, other than the base amendment which will be offered tomorrow.

The second reason why I am opposing this legislation in its present form is because I believe that it is fundamentally weak. On the surface, this bill appears to be a needed improvement in the budget process. In fact, though, it is an artful dodge, a means of avoiding genuine reform. To be blunt, it is a sham.

Mr. Chairman, I urge my colleagues to look at page 11 of the bill. Section 4, beginning on line 22, establishes an expiration date for the rescission process envisioned in this bill. That expiration date is 2 years after the date of enactment. A 2-year sunset clause is the equivalent of a promise of quick relief.

Bear in mind that the budget adopted by this House a few weeks ago covered a 5-year period. Not 2 years. Five years.

One of the assumptions underlying that budget was the enactment of the largest tax increase in the history of the Nation. How can we, in good conscience, call for increased taxes over the next 5 years, but increased vigilance over wasteful spending for only the next 2 years?

That 5-year budget also called for the bulk of the spending cuts to be implemented in the 3d, 4th, and 5th years. If Congress should fail to make those cuts, the President will need additional spending controls in order to meet the deficit reduction goals in the budget he himself asked for. Yet the sunset provision in this bill denies him an effective rescission procedure at the time when it will be needed most.

In truth, Mr. Chairman, these few lines serve as a wink to the big spenders, and it is this sort of disingenuous legislating that so deeply angers our constituents. In search of a compromise acceptable to all parties, the authors of this bill have reached the lowest common denominator. It may be April 28, but this is an April Fools' joke.

Had I been given the opportunity, I would have offered an amendment to make the authority provided in the Spratt/Stenholm legislation permanent. Because the majority party has no apparent respect for minority or committee rights, or even its own freshmen, the Rules Committee did not give me or them opportunity to present that amendment either in the committee on here today on the House floor. Had my amendment been offered and passed, I may have argued for passage of this bill. Because it was not even given the opportunity to be considered, I am opposing this bill today.

Earlier this year, I asked my constituents to identify the most pressing problem facing the Nation. It was the deficit—not skyrocketing health care costs, not environmental cleanup, not the decline of our educational system—that northern Pennsylvanians cited as the top national problem.

To respond to their concerns about the deficit by condoning this counterfeited reform is unthinkable, and I urge my colleagues to vote it down.

Mr. Chairman, the letter referred to earlier follows.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,  
Washington, DC, March 30, 1993.

HON. ROBERT H. MICHEL,  
House of Representatives,  
Washington, DC.

DEAR BOB: I am writing to express my concern with the process by which the House will consider enhanced rescission authority legislation. It now appears that Government Operations Committee Chairman John Conyers will discharge the Spratt-Stenholm compromise legislation from this Committee and, thereby, bypass the normal committee "mark-up" process.

Under this Committee's budget process jurisdiction, we held a legislative hearing on enhanced rescission authority in early



March. Several minority members had expressed interest in this legislation and had planned to offer amendments in the Committee. Under the discharge process used by the majority, however, no members of the Committee will be given the opportunity to see the legislation prior to floor consideration much less have the opportunity to offer amendments. Given that most rules issued are closed, floor consideration of amendments as an option would also likely be precluded for members of the Committee.

This specific case is a good example of the more generic practice by some committee chairmen of unilaterally discharging legislation from their committees. I fear that this may become common practice given the new Administration, thus denying the minority a legitimate role in the legislative process.

I would appreciate your efforts in working with the Democratic leadership concerning this specific case and assisting us in regaining jurisdiction over this legislation by conducting a regular committee mark-up. I would also like to work with you on the more generic issue of committee chairmen unilaterally discharging legislation in order to eliminate this unfair practice.

Thank you for your assistance.

Sincerely,

WILLIAM F. CLINGER, JR.,  
Republican Chairman.

Mr. DERRICK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentlemen from New York pointed out that it was a shame we did not make the freshman Democratic substitute in order. I would point out to the body and to those who may be listening that all of those gentlemen who authored it, the gentleman from Minnesota [Mr. MINGE], the gentleman from Georgia [Mr. DEAL], and the gentleman from Washington [Mr. INSLEE], voted for the rule.

Mr. Chairman, I yield 2½ minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Chairman, the new Members that are Democrats have been very concerned about a line-item veto. It is something that has been discussed widely and at great lengths within the Democratic new member caucus.

Mr. Chairman, we came up with our own bill and went to the Committee on Rules and said we need to make sure that the people of the United States and this Congress understand that this is an important concept, it needs to be enacted, and we would like to have you enact our proposal.

Mr. Chairman, all of us in Congress would like to have our particular language in the bill. After some discussion, we recognized that we are not all going to go away with our name on this bill or that bill. We are not all going to have each feature in the bill that may be important to us. But what was important to us as new Members is that we have a bill, that we make some progress, that we end the era of deadlock and gridlock in Congress and in Washington, and we move ahead.

Mr. Chairman, it is in that spirit that we were pleased that the Committee on Rules ultimately had a rule that was

presented and which was passed by a narrow margin today.

Mr. Chairman, I cannot say that I am opposed to the amendment that the gentleman from New York [Mr. SOLOMON] is offering. It has many quality features to it.

Mr. Chairman, I am not opposed to the bill that is currently before us. It may not be as strong as I would like, it may be humble in many respects, but it is a start. What I would like to see us, as a body, do is to move aggressively, forthrightly, and pass out of this Congress a line-item veto so that the American people know that we are trying to deal with the problems of the deficit responsibly and move on and deal with other problems that face our Nation, and show to the country that we in fact can do, and not just can debate.

Mr. SOLOMON. Mr. Chairman, I yield myself 1 minute to respond to my good friend, whom I have great respect for, and say the gentleman heard me praise the Democratic freshman proposal that was brought up to the Committee on Rules. I wish we were voting on that on the floor today. In the old days, only 2 or 3 years ago, we would have done that.

Mr. Chairman, I can recall 15 years ago as a freshman legislator on this floor right after Jimmy Carter had derecognized the Republic of China, Taiwan, as a freshman Member I had an opportunity to pass several amendments on this floor, working in a bipartisan effort. We wrote a Taiwan Relations Act which has stood for 15 years protecting that part of the world against international communism.

Mr. Chairman, we could do that today on this floor. The gentleman should have that right to have input into this legislation. Then we would come up with a piece of legislation that 100 percent of us would support, it would go to the President, and he would sign it.

□ 1750

That is what we are arguing about. That is what the gentleman, I think, as a new Member, probably ought to understand.

Mr. DERRICK. Mr. Chairman, would the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from South Carolina.

Mr. DERRICK. Mr. Chairman, let me say that I was not arguing about whether it was a good proposal or not, but the fact of the matter is that it was considered by the Committee on Rules. And those freshman Democrats that proposed it are now supporting the rule and, I believe, I know at least two of them are supporting the bill.

They feel that they have been treated fairly. And if they feel they have been treated fairly, why should the gentleman complain?

Mr. SOLOMON. Mr. Chairman, I yield 3 minutes to the gentleman from Dela-

ware [Mr. CASTLE], a former Governor of the State of Delaware and an outstanding new Member of this House, the sponsor of the Castle-Solomon true line-item veto, which will be voted on tomorrow morning.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from New York [Mr. SOLOMON] for yielding time to me. I also praise him for his tenacity in pursuing this issue, as well as the work that has been done by the gentleman from South Carolina [Mr. SPRATT] and, of course, the gentleman from Texas [Mr. STENHOLM], the freshman Democrats and my fellow cosponsors, the gentleman from New York [Mr. QUINN] and the gentleman from Massachusetts [Mr. BLUTE], who will be speaking here as well.

I think the words "line-item veto" have gone into the common parlance of America. People really understand what this means.

If an executive in a State or local government line-item vetoes a spending package, everybody knows they have to go back into that legislative body and usually get a two-thirds vote in order to override the line-item veto that the executive has imposed. And that is exactly what our line-item veto amendment, which is sponsored by myself and by the gentleman from New York [Mr. SOLOMON] and the gentleman from New York [Mr. QUINN] and the gentleman from Massachusetts [Mr. BLUTE], would do.

Forty-three of the governors have it today. Ninety-two percent of those who have been Governor approve it. Eighty-five percent of the people in polls across the United States of America want this particular legislation.

President Clinton has never said, as far as I can ascertain, "I support expedited rescission." He has said, "I support the line-item veto."

Those of us who ran on this issue, in my judgment, from the campaign paraphernalia I have read, generally ran on line-item veto, which is understood by everybody, not expedited rescission.

But this is a tremendous subject, and it leads to a great debate. It is probably the only bill that we will debate in which we cannot cost the public more money, because it is the only bill I know of in which we are actually going to be able to save money. It is simple to understand as well as not spending money. It gives us an opportunity to build budgets together. That is exactly what has happened at the State level.

I used the line-item veto once. Governor Clinton, when he was governor, used it, I believe, eight times in the last 8 years that he was governor of his State. Practically anybody who has had a line-item veto will tell my colleagues, just as has been said earlier on this floor, that it gives us the opportunity to sit down together, to debate the spending and financial issues so

that we will understand it and to build our budgets together, the legislative and the executive.

It is not a shift of power, as has been represented, from the legislative branch to the executive branch. Rather, it is a tool to bring Republicans and Democrats and the Members of the Congress and the President of the United States together to do what I think the people of this country care more about than anything else: To try to balance the budget of the United States of America, which we have not succeeded in doing for 10 these many years.

This will give us an opportunity to all be accountable to this country for the budget decisions which we have to make. And my colleagues can vote as they please. They can certainly vote for our amendment tomorrow or they can vote for the bill tomorrow, but I think we need to understand, when that vote is cast tomorrow on the amendments and on the bill, that only the Castle-Solomon amendment is the one which is a true line-item veto.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, I rise as an original cosponsor of the modified line-item veto proposal and strongly urge my colleagues to support it.

The American people are deeply frustrated by what they view as a lack of accountability, when it comes to the spending of their money. They are sick and tired of reading about the dollars being spent for pork-barrel projects like the Lawrence Welk house, and their frustration is shared by me and many other Members of this body.

The legislation before us will help end this frustration. This legislation provides the President with the authority to pull individual items out of an appropriation bill and force a vote on those items the President believes should be individually voted on.

This is a new power and a very important power. When these individual votes occur, pork-barrel projects are not going to be funded.

When I forced a vote on the Lawrence Welk project here on the floor of the House one evening, there were only 11 Members of this body that stood up in support of the Lawrence Welk project. Why? Because we had an individual vote.

Any suggestion that this legislation is not going to change the way this body does business is dead wrong. This gives the President an important new power. And I must confess that I have a deep concern about preserving the balance of power between the executive and legislative branches of Government. I believe that every Member of this body that has taken an oath of office to defend the Constitution should also be concerned about our balance of powers.

This legislation strikes an important balance that I think is absolutely essential, and it gives us an opportunity to try this concept.

Let me just say that the idea of a balance of power is not some abstract concept. Let me get very specific.

I have spent hundreds of hours trying to kill the B-2 bomber and hundreds of hours trying to kill the super collider. Both projects wanted by President Bush and President Reagan. They wanted to spend the money. I wanted to stop spending the money.

Now, had those Presidents had line-item veto power, they could have come to me and said, "Congressman, back off of your effort to kill those spending projects or I am going to line item everything in an appropriation bill that has something to do with Kansas."

My colleagues, this is real serious business we are talking about. I suggest we should go very carefully. Had both Reagan and Bush had that power, I suggest to my colleagues they probably would have used it, as any President would do. And they would exercise enormous power in obtaining their will in this body.

So let us go cautious, when we talk about this concept, very cautious. And I suggest to my colleagues that the proposal before us strikes a balance, gives us an opportunity to try this idea, to find out if it is really going to work, as we think it will.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to a very senior member of the Committee on Government Operations, the gentleman from California [Mr. MCCANDLESS].

Mr. MCCANDLESS. Mr. Chairman, I thank our ranking minority member for yielding time to me.

Mr. Chairman, I rise in strong opposition to this bill and the outrageous charade accompanying it. In bringing up this legislation, the Democratic leadership is once again deceiving the American people. They are engaged in a game of smoke and mirrors to fool this body and our constituents into believing that a vote for this bill is a vote for deficit reduction. That is simply not the case.

For those of my colleagues who have not yet had the chance to actually read the bill, let me point out two key sections. First, section 3 provides that this bill will apply only throughout the 103d Congress. That's right, it's a 2-year fix. I invite anyone who believes that we can bring about true deficit reduction or eliminate a \$4.1 trillion national debt within 2 years to give me a call about a bridge I have for sale.

Second, I would like to point out a well-hidden little provision in H.R. 1578 which undermines whatever small remaining good this bill might have. Section 2(b) permits either House to waive the provisions of H.R. 1578 at any time by a simple majority vote. In other words, the so-called expedited and

mandatory rescissions can be waived, suspended, circumvented, or just plain ignored by either House by simple majority resolution.

Mr. Chairman, I fail to understand why your leadership continues to deny this body the opportunity for true deficit reduction by refusing a vote on the line-item veto. The American people will not be fooled by this little game. It is showmanship—smoke and mirrors worthy of the Amazing Kreskin. While I admire a good illusion as well as the next, I cannot support it when the tricks we are playing are on the American people. They deserve more from this House and more from its leadership.

I urge my colleagues to vote "no" on this bill and demand instead a chance to bring about real deficit reduction; give us a vote on the line-item veto.

□ 1800

Mr. DERRICK. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I rise in strong support of H.R. 1578, modified line-item veto legislation.

I'm not here to place blame on past acts of Congress or Presidential administrations. I'm here today to lend my voice and strong support for fiscal responsibility. As a newly elected Democrat Member of Congress, I'm pleased to join with the gentleman from South Carolina [Mr. SPRATT] and my fellow freshman Democratic Representatives to bring new accountability—and integrity—to our Government.

This legislation would give the President a much needed tool to eliminate unwarranted spending, the kind of spending that has often been the subject of public ridicule. The legislation would allow the President to send over a rescission package within 3 days of signing an appropriations bill. The Congress would then be required to vote up or down on that package.

Not only would this legislation grant a line-item veto to the President, but the gentleman from South Carolina has provided us with a very constructive roadmap to bring greater accountability to Government spending. If the President's package is defeated in the House, then the Appropriations Committee would draft its own rescission package, provided that the aggregate amount of cuts are equal to or greater than the President's.

I am pleased to join my Democrat freshmen colleagues in asking for fiscal responsibility and for demanding congressional enforcement of cuts that all Americans know must be made. Its both good fiscal sense and good common sense.

Mr. Chairman, I urge my colleagues to support this legislation.

Mr. SOLOMON. Mr. Chairman, earlier I had introduced the gentleman from Delaware [Mr. CASTLE] as the



major sponsor of the true line-item substitute. The gentleman from New York [Mr. QUINN] is the other, along with the gentleman from Massachusetts [Mr. BLUTE].

Mr. Chairman, I yield 3 minutes to the outstanding freshman, the gentleman from Buffalo, NY [Mr. QUINN].

Mr. QUINN. Mr. Chairman, I thank my fellow New Yorker [Mr. SOLOMON] for yielding me this time.

Mr. Chairman, I rise today in strong support of the substitute amendment to H.R. 1578 offered by my friends, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. SOLOMON]. To put it simply, Mr. Chairman, it is the real thing.

Mr. BLUTE of Massachusetts, Mr. CASTLE, and I offer a real statutory line-item veto—this is a real alternative to the enhanced rescission authority amendment offered by the distinguished gentlemen from the other side of the aisle.

After all, it is what the new President of the United States asked for. Then-candidate Bill Clinton said, and I quote, "I strongly support the line-item veto because I believe we need to get Federal spending under control."

President Clinton did not ask for enhanced rescission, or some other Washington political doublespeak that amounts to nothing more than a watered-down substitute for the real thing.

We want to give the President what he asked for.

Like President Clinton, the freshmen class was elected to bring reform to Washington—Democrats and Republicans alike. We all took office in January to change the way things get done around here. There are many of us in this body who agree with President Clinton that he needs real line-item veto authority—many of us campaigned on the issue ourselves.

According to the polling we have seen, at least 80 percent of the people in this country want a real line-item veto. As Mr. CASTLE has already said, 43 of our Nation's Governors have it—Mr. CASTLE used it himself as Governor of Delaware.

For the past month, Members from both parties have been talking together about the need for a line-item veto—so let's stop talking about it and let us get it done. Now is the time for us to keep our campaign promises. As President Clinton said last summer, "All we need is the courage to change."

Our real line-item veto alternative would allow the President to rescind any discretionary budget authority in any appropriations bill. A majority of the House would be needed to disapprove the President's cuts—and two-thirds would be needed to override a veto of the disapproval bill.

In effect, Congress would need a two-thirds majority to restore the items cut out by the President. Congress

would be forced to justify each and every item in the Federal budget—and that is exactly what I believe we need to do to control spending.

President Clinton had it right during his campaign when he said that spending is out of control.

Mr. Chairman, in plain English, our substitute amendment is a real alternative which requires Congress to approve the President's spending cuts with only a simple majority in the Spratt-Stenholm. I ask my colleagues, can we really expect Congress to approve cuts in spending bills they just passed? I do not think so.

Look what happens every day in Congress with a simple majority—Congress taxes more and spends more—and when the money runs out, Congress increases its own credit line.

We need to change the way Congress overspends, overtaxes, and then increases its own authority to spend even more.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I supported this rule and was prepared to support it last week and last month. By its passage, the American people and the hard-working people of California's depressed South Bay are the winners.

As an original cosponsor of the Stenholm-Spratt majority line-item veto legislation, I know it gives us additional tools to reduce our crippling deficit. Congress must make more cuts, and I will support them, but the line-item veto gives our President the ability to require that Congress consider any individual appropriation on its own merits, and that will ensure that all remaining fat is eliminated from our budget.

I am a new Member committed to retaining and building high-skill high-wage jobs. Part of that commitment means that Government must work as a partner with business to invest in the industries of the future. It is vital that we eliminate Government waste, to free up more money for private sector investment.

The majority line-item veto will go a long way toward cutting our deficit and freeing up that vital capital. I urge its passage.

Mr. CUNNINGHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KYL], a very hard-working active member of the Committee on Government Operations.

Mr. KYL. Mr. Chairman, I recently received nearly 300 requests for a Citizens Against Government Waste publication called *The Pork Book*, which outlines some of the most grievous examples of pork-barrel spending; I received hundreds of postcards and letters from constituents, demanding that Congress consider spending cuts before tax increases. And, though we may dis-

agree on what spending should be cut, there is no question that pork-barrel projects are the best place to start. If we can't control pork, we have no hope of attacking the bigger spending items in the budget.

A line-item veto is the only way to get at that pork. Candidate Clinton recognized this when he stated in Putting People First, "I strongly support the line-item veto because I think it's one of the most powerful weapons we could use in our fight against out-of-control deficit spending." President Clinton's support has now eroded to a bill for so-called expedited rescission, a weak substitute.

Three provisions of the substitute will minimize, if not eliminate, the benefits of a real line-item veto.

First, requiring a simple majority to override the President's rescission, rather than the two-thirds vote required in line-item veto legislation, indicates that Congress is not altogether serious about upholding the President's cuts.

Second, I question the provision which would allow the Appropriations Committee to offer its own rescission package. May I remind my colleagues that the Appropriations Committee is where much of this pork finds its way into spending bills? This seems to me to be asking the wolf to guard the hen house.

Last, a provision in the Stenholm/Spratt legislation which would allow the House to waive the rules during consideration of a rescission package is particularly disturbing. Members may recall that last April, the Democrat leadership was able to pass a rule that allowed Congress to ignore the President's rescission proposals and consider its own instead. The same maneuvering could occur under this substitute.

Mr. Speaker, as the Wall Street Journal editorial I am submitting to the RECORD points out, Stenholm/Spratt is not a real line-item veto.

My colleague from Arizona, Senator JOHN MCCAIN, described a real line-item veto's effect during Senate debate on the line-item veto earlier this month:

Simply put, [line item veto] would help to install some fiscal sanity into an obviously out-of-control process, enhance Presidential accountability, and restore a measure of public confidence in the institution of Federal Government.

Mr. Speaker, I agree with Mr. MCCAIN, and so do the American people. I urge Members to support a true effort to eliminate pork-barrel spending—a line-item veto. Vote for the Castle/Solomon amendment, not Stenholm/Spratt.

Mr. Chairman, for the RECORD I am submitting an article from the Wall Street Journal of April 28, 1993.

#### LINE ITEM VOODOO

As with term limits, the American people by overwhelming margins endorse the line-

item veto as a tool of political reform in the United States. Lately, influential Democrats such as Senator Bill Bradley have endorsed it. Bill Clinton campaigned for the line item veto last year, but now congressional barons are offering him a poor substitute that they hope will placate the public while it does little to curb government's instinct to spending.

Today, the House will likely debate something called "expedited rescission." It is to the line item veto what chicory flavored water is to Colombian coffee. It may look the same but one taste tells the tale.

A true line item veto would mean that the President would receive a spending bill from Congress and would then have the right to strike out items that he considered unnecessary spending. Congress could restore the spending but only by a two-thirds vote of both the House and Senate.

The ersatz "expedited rescission" process would be a charade. The President would have to sign an entire spending bill (often combining spending for three separate federal departments). He could attach a list of spending items he disagreed with and then ask Congress to eliminate them. But he couldn't ask that an existing program be reduced below its previous budget, and he couldn't cut a new program by more than 25%. The modest cuts he could suggest would stick only if both houses decided by majority vote to concur.

Rep. Ernest Istook is a freshman Republican from Oklahoma who has become a champion of a genuine line item veto. He presented his anti-pork credentials last year when he ran for Congress saying he'd refuse to vote for unjustified spending programs even if they helped his district. "A pig is a pig, even if it's one who lives at home," he said.

Rep. Istook says that "expedited rescission" will do almost nothing to control pork. He notes that many Members of Congress aren't embarrassed to be associated with pork barrel spending. They revel in it. "Only a President elected by all Americans can frequently rise above parochial concerns and act in the national interest," Rep. Istook maintains.

When the Cato Institute recently surveyed the nation's current and former Governors it found that 92% backed a true line item veto. "It makes the difference between talking about cutting spending and making it a reality," says Doug Wilder, the Democratic Governor of Virginia. Not surprisingly, all 10 former Governors who serve in Congress back a line item veto for the President.

The push to replace the line item veto with a sham substitute is typical of how Congress is dealing with reform in this session. It is faking it.

Members reluctantly abolished several showboating select committees but then allocated their budgets to other panels so that no overall savings will result. The leadership adopted new House rules ostensibly to expedite legislation, but they'll have the practical effect of limiting real debate. The more Members of Congress avoid changing their arrogant ways, the more the public will continue to clamor for the only real reform it knows will stick: term limits.

The CHAIRMAN. The Chair will announce the times that remain for the various participants.

The gentleman from South Carolina [Mr. DERRICK] has 15 minutes remaining, the gentleman from New York [Mr. SOLOMON] has 13 minutes remaining,

the gentleman from South Carolina [Mr. SPRATT] has 20½ minutes remaining, and the gentleman from Pennsylvania [Mr. CLINGER] has 18½ minutes remaining.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

□ 1810

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. HOAGLAND].

Mr. HOAGLAND. Mr. Chairman, I am pleased to be here today supporting the product of the gentleman from South Carolina [Mr. SPRATT] and his subcommittee, because it is a good piece of legislation.

We are hearing an interesting argument from our colleagues on the minority here that it does not go far enough, that it is not the genuine line-item veto, and if we cannot have all or nothing we should defeat it.

I would make two points. First of all, that raises the question of what is our job here in Congress to do. I always thought that it was our job to try to improve the existing body of statutory work in the United States Code. This clearly improves it. If it improves it, if this legislation makes it better, then let us support it because the statute, the day after the President signs this, will be better than the day before the President signed it.

The opposition coming from that side reminds me of two other recent instances where we were advised to vote against a statutory alternative to a constitutional amendment because it did not go far enough. I remember back in the days of the flag-burning amendment when we had a statutory proposal to make flag-burning illegal. The opposition said wait a minute, we want a constitutional amendment. This is not good enough. We are going to vote against it. They voted against it and we had no statute the second time around.

Then there was the time last year when we had the constitutional amendment for a balanced budget, a constitutional amendment that I support came up on the floor, and before that vote we voted on the statutory version prepared by Chairman SPRATT and his colleagues. I was a cosponsor of that. That put in the statute a requirement that the President submit and that the Congress vote on a balanced budget, not a constitutional amendment, but a statute.

The point is that once again the minority was opposed. So once again the minority said we want a whole loaf; we are not going to take any compromises.

The Spratt-Hoagland statutory version of the constitutional amendment failed, and a few days later the constitutional amendment itself failed, so we were left with nothing.

Now the third time around we are hearing the same argument.

My point is that it is not easy to pass a constitutional amendment. It takes two-thirds of the vote in both houses, three-quarters of the State legislatures and several years to pass and to go into effect. This is to improve the statute. It is going to give the President a version of line-item veto. Let us pass it here this week.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF], a member of the Committee on Government Operations.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, the American people want a line-item veto. Make no mistake about that. They understand the benefits versus any possible risks, but they have decided in favor of it, and that is shown by the fact that 43 Governors today, including the Governor of Arkansas and the Governor of New Mexico have the line-item veto.

H.R. 1578, as presently written, is not a line-item veto. It is not even a modified line-item veto as it has been incorrectly portrayed.

It is first of all not a line-item veto because any rescission that comes back from the President comes back as a package and is voted on as a package and not individually. Second of all, it is not a veto because it can be overridden by a majority, not by a two-thirds vote as required in a true veto.

Just as significantly, this bill is not even the enhanced rescission that has been previously talked about. The Government Operations Committee hearing that was previously described discussed the concept of an enhanced rescission. It did not discuss this bill. I do not believe this bill had even been introduced.

There is a reason why, and it has been pointed out by a number of speakers, why the majority would not even let the committee of jurisdiction, the Government Operations Committee, review this bill and vote on it, because other defects in it I am sure would be exposed also. But this particular bill is particularly a sham because it allows the Appropriations Committee to offer, in essence, a side-by-side substitute. One may ask what is wrong with that. After all, it has to be in the substitute, the same amount and from the same appropriations bill. The answer is that it is the budgetary process wherein we deal with total amounts. The purpose of a line-item veto, and even true enhanced rescission is to focus attention on the programs that have been named, not on a specific amount, but to eliminate those programs that we do not need anymore, regardless of those amounts. This bill offers a shell game in which we will never get that done.

In conclusion, Mr. Chairman, I want to say that the majority has invoked the name of President Clinton a num-



ber of times. I think that we should invoke all of what President Clinton said as a candidate. The President said that he wanted the line-item veto. I think we should give it to him.

Mr. DERRICK. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of a modified line-item veto bill, or enhanced rescission, or whatever you want to call it.

For several years now we have heard a lot of talk about the line item. The Presidential candidates supported it. The President supports it. And in my district a lot of people support it, and some people support it and do not understand all of its implications.

As a matter of fact, at town hall meetings and in talks with individuals in my district, they have asked me about the line item and I have said no. I am against the line-item veto. And they would want to know why. And of course when I would tell them, then they understood, because I would tell them that this puts too much power, vests too much power in one individual or in the executive branch of Government. But not only that, it turns over a lot of the Government, I think, to the unelected bureaucrats in the OMB.

But I would say to them that I have a better plan. I would be for mandated rescissions because now the President of the United States can rescind appropriations, but then he will send them to Congress, and oftentimes nothing is done. They are not brought to a vote, and thereby the rescissions do not stand. They are not rescinded. So when I explain that to them, they can understand that, because they know that a President could be very vindictive, as we heard another speaker say here today.

So I appreciate the fact that the gentleman from South Carolina [Mr. SPRATT] and our colleague from Texas [Mr. STENHOLM] have brought to the floor this legislation which is good legislation and should pass. And for those who want line-item veto, this is a much better remedy. It will help to remedy the fiscal problems that we have in this country, and I believe that Members should support it, as more than 300 of our colleagues in the House of Representatives supported it last year. But of course it did not pass the other body.

Vote for H.R. 1578.

Mr. DERRICK. Mr. Chairman, for purposes of debate only, I yield 1 minute to the gentleman from Oklahoma. [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I rise in strong support of this legislation to provide a modified line-item veto authority for the President of the United States.

This bill provides a mechanism to impose spending discipline upon the Congress and strengthen the leadership of the President. It is my sense that, like our constituents, we are frustrated by our own inability to sort out the wheat from the chaff in appropriations bills. We struggle to work our will on the smallest issues because greater ones are tied to them through the appropriating process. And we make cynics of our constituents by telling them that we are somehow helpless to change what we know are bad decisions.

This bill keeps intact the separation of powers embodied in our Constitution. The power of the purse remains chiefly in the hands of the people's own representatives. In fact, this bill enhances our ability to be counted and make our will known. I believe the House does not shrink from accountability in adopting this bill. Rather, we embrace it.

This legislation also imposes more accountability on the President of the United States. I know that President Clinton is eager to make the case for his decisions and will not flinch from doing so.

Mr. Chairman, the American people made two points abundantly clear in the last election. First, they want to be rid of the gridlock and consequent finger-pointing that developed over the last 12 years of divided government. And, second, they want the leaders of our government to get the Nation's fiscal house in order. This legislation will help us demonstrate that the executive and legislative branches can work together to the ultimate benefit of the people who sent us.

Mr. SOLOMON. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. BLUTE] who along with the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. QUINN] is another freshman Republican Member who has truly led the fight for a line-item veto from the day he took office.

Mr. BLUTE. Mr. Chairman, I thank my good friend from New York for that kind introduction.

Mr. Chairman, I think it is important that we put this line-item veto versus enhanced rescission debate in some perspective.

□ 1820

If you look at the current total debt of the U.S. Government run up by Washington, it amounts to \$4 trillion.

President Clinton's own budget projections indicate that he will add another trillion dollars to the Federal budget deficit over the first 4 years of his tenure.

Mr. Chairman, it was recently reported that 57 cents of every income tax dollar sent to the Federal Government goes to service debt interest alone. I think that indicates very

strongly an argument for a strong line-item-veto authority for the President and not a watered-down, enhanced rescission.

It is time to stop this deficit spending. It is time to reform the budget process, and it is time to take very seriously the long-term damaging effects that deficits are having on our economy.

Mr. Chairman, another problem is that people are losing faith in their government, and they are losing faith in this House of Representatives. During the Presidential campaign just a few short months ago, we heard about the line-item veto from President Clinton, from former President Bush, and from Ross Perot. It was as close to a consensus issue as there was in the last campaign.

But something funny happened on the way to governing. Everything is different now, and we are talking about a watered-down enhanced rescission that is not strong enough to do the job that the people want done to our Federal budget deficit. The full line-item veto is what the American people want. They understand it, as my colleague, the gentleman from Delaware, said, and they want it because it works. They know it works because they lived under State governments who utilize it to discipline the budget process. It works because it raises the threshold of scrutiny for spending. It works because it institutes accountability. No longer can people hide pork-barrel spending in larger budgets and present them to the President to either sign or veto. It works because it brings the executive, the President of the United States, into the game as a deficit fighter.

Because, after all, the President is the only elected official elected by everyone, elected by the entire country, who has to take into consideration the big picture, the macroeffect of this deficit spending.

It works in 43 States, and as the Founders envisioned, the States are the laboratories of democracy. If it works in 43 States, it can work for the Federal Government. It can help us get our Federal budget deficit under control.

I ask my colleagues on both sides of the aisle to support the strong full line-item veto for the President of the United States.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I rise today in strong support of H.R. 1578, the Expedited Rescissions Act. This is a measure that is long overdue and I commend all those involved who have worked so hard on this legislation. I supported this legislation in the previous Congress and I am glad to have the chance to do so again.

This bill will bring greater control to the Federal budget process and create a

significant opportunity for deficit reduction. It forces Members to go on record regarding their commitment to spending reductions and allows constituents to see the direct results. This bill allows the President and Congress to clarify the areas where we can achieve savings and it enhances the responsibility of each Member to follow through on that commitment.

Expedited rescission. It will make Congress more accountable for the programs and projects it supports and more aware of its overall spending habits by allowing programs to stand or fall on their individual merits. This bill provides a control that is desperately needed in our current economic climate and one which the American people have long called for.

I have heard from many constituents in my district who have expressed their support for this measure. Just a few months ago the people indicated that they want change in their Government and in the way it conducts its business. H.R. 1578 provides just such a vehicle to bring about necessary, positive change.

However, I do not support a line-item veto. I believe it is imperative that we maintain a balance and separation of powers as defined in our Constitution. This legislation is a better way. To my friends and colleagues who are today supporting the line-item veto, I hope you remember that the Clinton administration Department of Defense authorization bill will be before this body later this year. Many of you will express your disapproval and vote against this legislation at that time. Today, you are supporting a line-item veto and I expect to see the same support from you when the Defense authorization bill is considered.

We must seize the chance to act now and create a more efficient, productive legislative system that renews our accountability and restores the public trust in this institution and I encourage your support.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming [Mr. THOMAS], a very thoughtful and valuable member of the Committee on Government Operations.

Mr. THOMAS of Wyoming. Mr. Chairman, I rise to support the real line-item veto, the Solomon-Castle amendment.

I have listened to the debate, and I have listened to it for a very long time, as a matter of fact. But what really counts has been the performance of this Congress over time.

Regardless of your party or your ideology, common sense dictates that if you expect different results, you have to do things differently.

I have listened for a long time now: lots of accusations, lots of time spent on assigning blame, Republican Presidents and Democrat Congresses. But the fact remains that there is a debt of

\$4.5 trillion, that we face a shortfall of \$250 billion to \$300 billion annually.

My friend from Nebraska indicated that a statutory change is certainly a movement forward. We have had statutory controls, Gramm-Rudman, for a very long time. It did not work. The result is it did not work. The evidence is it did not work. The debt is the measure. That is what we must change; \$4.5 trillion is the result of the system we have and the operations that we have had.

The result will not change unless we do something differently, and the rescission is not something that is different.

The budget before this body that we will be considering soon will add to the debt another trillion dollars by the best estimates and probably more.

The President has had rescission authority and still does. It has not worked. It will not work.

The voters in my State want to reduce spending. They want some procedural changes that will produce results and that the results will be different. A real line-item veto and a balanced-budget amendment are necessary.

So this whole thing is not about blame. It is not about more promises. We have heard those, that the Congress is going to change their behavior, and they have not changed their behavior.

It is about changing a procedure that will produce results, that will stop growth in the debt and will start to reduce it.

I support the Solomon-Castle amendment and urge my colleagues to do the same.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, I want to thank the gentleman from South Carolina [Mr. SPRATT] and the others who have worked so hard to move this legislation to the point where we have it tonight.

As a third-term Democrat and a moderate Democrat, I am pleased that the freshman Democrats who have come where have joined us in this effort to make what I consider to be a really historic change in procedural law around here. It is incremental, at best. It is a pilot project, to be sure. But it is nonetheless very substantive.

It cedes more power, quite frankly, to the executive branch than some in this body would like to see. It does not go as far as many others think wise.

But 43 States have some form of this power in their laboratories, as they were called earlier, including our own of Tennessee.

I want to say that people of this country have been referenced in this debate all afternoon. My constituents tell me, as people of this country, that what they really want is for us to come together and govern responsibly. They are tired of rhetoric with no action.

They are tired of the whiners and the extremes on both sides of the aisle saying over and over again, "No, my way or no way."

America is bigger than that. It is bigger than any of us. It is bigger than any political party. And they want us to govern, to compromise, to come together to move forward.

This bill does that. It gives us an opportunity to bring the President into the mix to fight this horrendous debt.

As I said earlier, it is an instrument, one more instrument, to be used in the fight against irresponsible spending, and it is a step forward, yes, a small step, but nonetheless a step forward, and it ought to deserve our support and that of the country.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. ZIMMER], a rising star of the New Jersey delegation and a member of the Committee on Government Operations.

Mr. ZIMMER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I have chosen to speak from the lectern on this side of the aisle, on the Democratic side of the aisle, because it is to the Democrats I would like to address my remarks.

I urge you to support our new Democratic President and vote for the real line-item veto.

When Bill Clinton was Governor, he had the power of line-item veto. He used it. He discovered how useful a tool it is for saving taxpayer dollars. When he was a candidate for President, he endorsed the real line-item veto in no uncertain terms.

□ 1830

And after he took office, he has kept his allegiance to the concept of a real line-item veto. When he met with Republican Senators shortly after his inauguration, they presented him with a 2-foot-long pen which symbolized the power of the line item veto. He told them, "I sure hope I will be able to use this." So that is what the President really wants.

But the Stenholm bill is not what the President asked for. It is not a line-item veto. Its sponsor, CHARLIE STENHOLM, told you as much.

Under Spratt/Stenholm, a majority of either House can kill a rescission and restore an appropriation, and there is no line-item veto anywhere in the country that works that way. The Spratt/Stenholm bill does not give the President a 2-foot-long pen; it gives him a teeny weeny 1-inch pen, and it is full of disappearing ink.

So, I urge you, support the President, support Castle/Solomon, and we will have a true line-item veto.

The CHAIRMAN. The Chair will indicate the times remaining on all sides: The gentleman from South Carolina [Mr. DERRICK] has 12 minutes remain-



ing; the gentleman from New York [Mr. SOLOMON] has 10 minutes remaining; the gentleman from South Carolina [Mr. SPRATT] has 13½ minutes remaining; and the gentleman from Pennsylvania [Mr. CLINGER] has 12½ minutes remaining.

Mr. DERRICK. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. KLEIN].

Mr. KLEIN. I thank the gentleman for yielding to me.

Mr. Chairman, as an original cosponsor, I rise in strong support of H.R. 1578, the Expedited Rescissions Act, and I might say that even though I will be addressing some of my remarks to those on that side of the aisle, I will remain on this rostrum.

You know, when I decided to run for Congress, I did so because I wanted to create real change. The people in my district elected me to help make our Government more responsive, more fiscally accountable. Fiscal responsibility is a two-way street. It requires us to face the long-neglected problems of our country, like the sick economy and the loss of jobs, in an honest and forthright manner.

But it also requires that we act to control spending. The Stenholm/Spratt bill will restore accountability and fiscal responsibility to our Government. It will eliminate pork-barrel and reduce wasteful spending by giving the President the authority he needs.

We are at war, my friends, and our enemy is the budget deficit. The Stenholm/Spratt legislation is a key weapon in the arsenal we need to win that war.

We must begin the battle today because we cannot wait any longer. I am sick and tired of hearing those who keep on talking about, "It is not enough."

Legislation over and over again that I have heard mouthed as being, in principle, good is voted against on the theory that it is not enough.

I heard my colleague from New Jersey a moment ago say that he supports the Solomon/Castle bill, but he voted against the rule that would have permitted consideration of that bill. The real answer is those on the other side of the aisle who are talking about fiscal responsibility are really talking about political gimmicks. This bill gives the President power for the first time to do something about line-item veto or enhanced rescission, whatever you want to call it.

It does something concrete, something affirmative; and those who have repeatedly said that they were in favor of them, indeed in the last session voted for this kind of legislation, are now saying it is not enough.

Well, gentlemen, it is time to put your money where your mouth is. It is time to give the President the ammunition he needs to eliminate wasteful spending. It is time to step up to the

plate and give the President the opportunity to fulfill his plan to reduce the budget deficit.

I urge everyone who really believes in fiscal responsibility to vote for the Spratt/Stenholm bill.

The CHAIRMAN. The Chair would indicate that he misspoke the time of the gentleman from South Carolina [Mr. SPRATT]. His time is 14½ minutes.

Mr. SOLOMON. Mr. Chairman, Mr. SPRATT has 14½ minutes left; is that what the Chair said?

The CHAIRMAN. Yes.

Let me restate the time so everybody will know: The gentleman from South Carolina [Mr. DERRICK] has 8 minutes remaining; the gentleman from New York [Mr. SOLOMON] has 10 minutes remaining; the gentleman from South Carolina [Mr. SPRATT] has 14½ minutes remaining; and the gentleman from Pennsylvania [Mr. CLINGER] has 12½ minutes remaining.

Mr. SOLOMON. Mr. Chairman, I yield 3 minutes to a very distinguished Member, the gentleman from Florida, Mr. CLIFFORD STEARNS.

Mr. STEARNS. I thank my distinguished colleague from New York [Mr. SOLOMON] and compliment him again on his tenacity in this very, very important fight.

Listen up, my colleagues: I am going to attempt to explain the difference between an expedited rescission and an enhanced rescission. Now, I warn you this is almost toxic, it causes permanent inducement of sleep and perhaps glazing of the eyes. I want you to listen up.

I have a chart here with which we are going to explain frankly for you folks, particularly you on the Democratic side, to show the difference.

Let us take a look at this: We have the Solomon/Castle amendment. After the President does his rescissions, it comes to the Congress and receives his rescissions. It needs a majority to disapprove the cuts. A two-thirds vote to override the President's veto. If Congress does nothing, then the rescissions take effect, 20 days to do it. This is the key right here: If Congress does nothing, then the rescissions take effect.

So, what we are going to have is a real veto under the Solomon/Castle amendment.

Now let us look at the Spratt amendment down here. After the President does his rescissions, it comes to the Congress. The action: 1 to 3 days to introduce the legislation, and 10 days to vote. The President's rescissions will not take effect until Congress approves them.

Now, this is a key point between the two amendments. In discussing this part with the parliamentarian's office, they agreed that if the House does not act in 10 days, the money should be available for obligation. That is, the money will be spent and not cut.

That cannot happen under the Solomon/Castle amendment. Here, if noth-

ing is done in 10 days, the money will be spent, and the President will not have his veto. That is a key item.

And something else that is not discussed by the folks on this side of the aisle: Under the Spratt amendment, the rescissions could be put on suspension. That is a little technical, it causes people to glaze in the eyes; but that means it gets put on the shelf. The only way to get it off the shelf is by a two-thirds' vote.

So, in other words, one-third of the folks in the House could deny the cuts that the President had. That is another good reason not to vote for the Spratt amendment but to vote for the Solomon/Castle.

Mr. SOLOMON's amendment makes absolutely sure that Congress cannot hide but must come front and center with what it disapproved of the President's rescissions.

The Solomon amendment starts the Federal Government moving in the right direction. A balanced Federal budget, with prudent and responsible spending, is a hard thing to accomplish, but a journey of a thousand miles begins with one step.

Let us take that step tomorrow morning when we vote, and vote for the Solomon amendment.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, President Lincoln once said that the dogmas of the past are inadequate for the challenges of the future, and as the times are new, we must think anew and act anew.

This is a new and different idea, the modified line-item veto that Mr. SPRATT and Mr. STENHOLM have worked so conscientiously on and so hard on. I think we in Congress should give it a chance. The people of this country want to see reductions in spending.

□ 1840

They want to see us do something that has a net effect on the reduction of the deficit. This provision would help us do that. They want to see reform in Congress for a change and no more business as usual. This would help us reform the Congress.

It would be an experiment. Many people back home in Indiana say, "Put some laws and legislation on the books. Then if it doesn't work, take it off."

This legislation allows us to experiment for a couple of years.

Additionally, Mr. Chairman, it is a compromise. There are some people in this body who do not want to do anything at any time and there are other people who say it is not enough, so let us not do anything.

This is probably a fair compromise between the two.

Finally, as Members on both sides have been quoting our President, the

President has said, "I believe this bill would increase the accountability of both the executive and legislative branches for reducing wasteful spending."

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, I rise in strong support of H.R. 1578, the modified line-item veto, as introduced by my colleagues, the gentleman from Texas [Mr. STENHOLM] and the gentleman from South Carolina [Mr. SPRATT].

The President's 5-year plan to reduce the deficit and the bill before us today respond to the urgent call from our constituents to reduce the deficit and its negative impact on economic growth and job creation.

The bill now under consideration has been carefully crafted to maintain the balance of power between the executive and the legislative branches as provided in the Constitution.

The modified line veto will not by itself eliminate the deficit. But it will give the President and the Congress a powerful tool to eliminate unnecessary spending.

It will bring more accountability and responsibility to the budget process.

And it will send another clear message to those we represent that we are serious about reducing the deficit.

I congratulate Congressman STENHOLM and Congressman SPRATT, as well as our former colleague, Gov. Tom Carper of Delaware, for their work on this important legislation, and I urge my colleagues to support H.R. 1578.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California [Mr. HORN], a new member of the Committee on Government Operations who has already made many valuable contributions to the work of the committee.

Mr. HORN. Mr. Chairman, I believe in Presidential responsibility and Presidential accountability. If Congress cannot balance the budget, the \$300 to \$400 billion annual deficit that we are now running, then the President needs the authority to bring the budget back into balance.

I have long favored a statutory line-item veto.

I would like to include in this part of my remarks a telegram I sent to President Reagan on February 18, 1981, on that point:

This mailgram is a confirmation copy of the following message:

LONG BEACH, CA,  
February 18, 1981.

President RONALD REAGAN,  
White House,  
Washington, DC.

With your power to persuade the people I suggest that in cutting Government expenditures you ask the people to help you secure congressional enactment of authority to cut appropriations up to 10 percent in all budgets but Social Security and the others which

you have specified would not be cut. Such a precise statement of the issue would prevent you from being nibbled away by special interests in the congressional process. If we have a crisis we need to act as if we have one and involve the public in helping you solve it. It could be that momentum has already been lost. If you lose on a vote up or down in securing such authority you can always go the regular congressional process.

Regards,

STEPHEN HORN,  
President, California State University,  
Long Beach.

I believe the President must have the authority to make the appropriate cuts, except in areas such as Social Security and comparable retirement programs. That was the authority I wrote into H.R. 1099, a freeze proposal on which this House has not been able to act.

While H.R. 1578 makes some progress, its fundamental flaw is that the House and the Senate can override the President's action by a simple majority.

The fact is that we saw earlier this evening what can be done with a majority in this body and how leaders can work to convert a few votes so that what was a majority in one direction became a majority in another direction.

The Founding Fathers, however, took that responsibility and decision of the President much more seriously. They required that if Congress was to override the President, the one official elected by the Nation as a whole, then it must do it by a two-thirds vote of those present and voting.

Legislation approved by this House and legislation in the other body must face up to the fact that this Nation is fiscally bleeding to death, and since there is a majority in this House to act to provide a strong line-item veto, I would ask the majority, why does it not act? It has acted through its majority on every bill we have seen this year.

The standard should be the two-thirds vote to override a decision of the President of the United States. Then you would have a credible line-item veto. We do not have one now.

H.R. 1578 does not do the job. I urge my colleagues to vote against the bill before us.

Mr. DERRICK. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. COPPERSMITH].

Mr. COPPERSMITH. Mr. Chairman, I thank the gentleman from South Carolina for yielding this time to me.

I congratulate those Members who had the courage to defy their caucus and party leadership, and instead vote their conscience to allow the House to consider the line-item veto.

Now at long last we in this House can legislate and determine what kind of line-item veto to deploy.

I hope in this debate and the vote to follow that we focus on achieving the best possible form of a line-item veto.

I personally will support the substitute of the gentleman from Delaware [Mr. CASTLE] and the Michel amendment. I am delighted that the two brave Republican freshmen have given me that opportunity at long last to do so. However, should either proposal fail, I still urge all supporters of the line-item veto to vote for the Spratt-Stenholm bill, even if their preferred version does not pass. A weaker version of the current Stenholm-Spratt bill passed this House by an overwhelming margin with strong bipartisan support. Suddenly a better bill is called worse than nothing by the other side.

Let us try to legislate the best possible line-item veto. Let us do the best we can and vote yes on formal passage, even if the Castle-Solomon substitute should fail. I realize this may be tough for Members who have rigged their voting cards only to vote "no", but I urge my colleagues to vote "yes" three times tomorrow.

Mr. DREIER. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from Ramsey, Minnesota [Mr. GRAMS], a hard-working new member of the Committee on Banking, Finance and Urban Affairs and the Committee on Science, Space, and Technology.

Mr. GRAMS. Mr. Chairman, a well known TV commercial claims: "There Ain't Nothing Like The Real Thing."

Well, they are right.

In voting for the Castle/Solomon substitute, the American people would get what they want: a real line-item veto.

The Stenholm/Spratt bill is not a true line-item veto—it is a sham. As the Wall Street Journal put it: if Congress passes Stenholm/Spratt, it is not really doing its job, it is faking it.

Forty-three of our Nation's Governors have a line-item veto, it is done to help them balance their budgets, unlike the Federal Government which lacks a line-item veto and has failed for decades to balance its budget.

Ten former Governors serve in this body, and all of them support the line-item veto.

President Clinton—a Democrat—supports the line-item veto, and as a former Governor, knows first hand how to use it. I am sure he wants a real line-item veto, not the fake version represented by Stenholm-Spratt.

As for the American people, polls show they overwhelmingly support the line-item veto and recognize it is an essential tool for getting rid of pork and wasteful spending.

Mr. Chairman, the fiscal crisis facing our Nation is too serious to play political games as we are doing today with the Stenholm/Spratt bill.

Thanks to Congress' appetite for spending, today every child in America is born owing \$16,000 as their part of the national debt. And right now, 20 cents of every tax dollar goes just to pay the interest on the national debt.

Mr. Chairman, the American people voted last year for change, and for Con-



gress to get serious about reducing the deficit.

The line-item veto works, it is needed, and it is wanted by the American people.

Let us not fake it, let us do the right thing and the real thing.

I urge my colleagues to support the Castle/Solomon amendment, and give the American people a real line-item veto.

□ 1850

Mr. SPRATT. Mr. Chairman, I yield 6 minutes to the gentleman from Texas [Mr. STENHOLM] who is one of the authors and originators of this bill.

Mr. STENHOLM. Mr. Chairman, I rise today to encourage my colleagues to support H.R. 1578, modified line-item veto legislation.

This legislation, also called the Spratt-Stenholm bill, builds on a long history of bipartisan support for expedited rescission legislation.

Since there has been some misinformation circulating about the motives behind this bill, taking a brief look at that bipartisan history is in order. The first expedited rescission bill introduced in Congress was authored by Dan Quayle in 1985. In 1987, the gentleman from Texas [Mr. ARMEY] attempted to offer an amendment to the Omnibus Continuing Resolution that would grant the President enhanced rescission authority subject to majority override. In 1989, the gentleman from Texas joined with Representative TIM JOHNSON to introduce the Arme-Johnson Current Level Rescission Act of 1989. Under the Arme-Johnson bill the President could reduce existing programs only to their prior year's level and could reduce new programs only by 10 percent. The money would be spent if Congress failed to vote on the President's package. I do not understand how Mr. ARMEY can claim that his bill was the "Real McCoy" and criticize H.R. 1578 when his bill was considerably weaker than the bill before us today.

In the fall of 1989, a bipartisan group of Members came together to develop a consensus bill with broader ideological appeal. That group included TOM CARPER, DICK ARMEY, TIM JOHNSON, LYNN MARTIN, BILL FRENZEL, DAN GLICKMAN, and several other Members who were interested in a constructive approach with improved odds for enactment. In the 102d Congress, TOM CARPER reintroduced this proposal as H.R. 2164. He worked with JERRY SOLOMON, HARRIS FAWELL, and others in refining this bill before it was passed late last year with overwhelming bipartisan support, including nearly unanimous support from Republicans. I am submitting for the record information that describes in detail the bipartisan support that this legislation has enjoyed in the past.

Turning now to more recent history, 2 months ago President Clinton out-

lined an ambitious plan to confront our massive Federal debt. The day after his State of the Union address, I introduced legislation on behalf of 80 of my colleagues to provide him with one of the tools he asked for to help in the effort to reduce the deficit—modified line-item veto authority.

The bill that we are discussing today, H.R. 1578, maintains the basic principle embodied in every expedited rescission bill in the past—that Congress must vote on Presidential rescission messages. Without weakening this basic principle in any way, we have made constructive changes to make the bill a more workable and effective tool in eliminating low-priority spending. The changes in the bill address concerns of Members on both sides of the aisle, including concerns raised by Mr. SOLOMON and Mr. CASTLE, as well as suggestions by the chairman and other members of the Government Operations Committee. I believe that any objective observer would conclude that these refinements have strengthened and improved the bill.

The legislation would allow the President to send down a rescission package within 3 days of signing an appropriations bill. Congress would be required to vote up or down on the package under an expedited procedure. The rescissions will take effect if a majority of Congress approves the rescission package. The funds for any proposed rescission would not be released for obligation until the rescission bill is defeated in either House. The bill would provide this new authority for a 2-year test period so that we can see how it works in practice and then revisit the issue with any improvements that might be helpful.

It is true that under the authority provided in the Constitution for each House to set its own rules, the House could adopt a rule that alters or waives requirements for internal congressional procedures, including those established by H.R. 1578. However, Congress could not thwart a Presidential rescission message by avoiding a vote because the President could continue to impound the funds included in a rescission message until Congress votes on his package.

Under current law, the President can and does impound funds included in Presidential rescission messages to prevent funds from being spent on projects that may be eliminated. The current rescission process requires the President to release the funds after 45 days even if Congress ignores the rescission message. By contrast, H.R. 1578 does not require that the President release the funds after a certain amount of time elapses, but instead provides that the funds must be released for obligation upon defeat of a rescission bill in either House. If Congress avoids a vote on the President's package, the President could continue

to impound the funds. Unlike current law, Congress could not force the President to spend money by ignoring a rescission message. In effect, funds included in a rescission message would be frozen in the pipeline until Congress either votes to rescind them—and remove them from the pipeline entirely—or to release them for obligation.

The Spratt-Stenholm compromise makes four changes from the bill that was passed by the House last year with strong bipartisan support. First, it eliminates the restriction on how much an authorized program can be reduced. Incidentally, the limitation on how much the President can rescind was originally proposed by DICK ARMEY but has been criticized by the Wall Street Journal and GERALD SOLOMON. Unlike the bill that passed the House last year, and contrary to claims of a very shoddily researched Wall Street Journal editorial, there would be no limit on how much the President could rescind any program.

Second, we have added language providing for prompt judicial review if any Member challenges the constitutionality of the statute. This language is modeled after the Gramm-Rudman language.

Third, we added language ensuring that any rescissions submitted at the end of the 103d Congress would not die if Congress adjourned before acting.

Finally, we created a new road map for dealing with an Appropriations Committee alternative package of rescissions if the President's package is first defeated in the House. Under the bill that was passed last year, if the President's package was defeated, the process would have been over with no funds rescinded. The new language provides a procedure for the House to vote on an alternate list of rescissions even if the President's package is defeated. Furthermore, the new language gives the President a chance for a vote on his package in the Senate even if his package is defeated in the House. If the House adopts the committee's rescissions, the Senate still must vote up or down on the President's original package before considering any other rescissions. If there are differences between the House and Senate passed rescissions, the differences will be worked out in conference. In any event, no funds would be obligated unless and until Congress defeats the President's package under the procedures established by the bill.

Those are the changes that have been made to the bill. I have not heard anyone explain how those changes water down this bill. The changes make the bill stronger and more workable than the bill that was overwhelmingly passed by the House last year. It is stronger and more workable than some of the bills introduced by Mr. ARMEY and Mr. SOLOMON in the past.

This proposal was described last year by GERRY SOLOMON as "a tremendous

compromise \* \* \* that this House can support overwhelmingly on both sides of the aisle." I believe that statement to be even more true today. It provides the President with a real tool to ferret out questionable spending items while preserving the power of congressional majorities to control spending decisions.

The President may single out individual programs, but he must convince a majority of Congress to agree with him before the spending is cut. This bill will not change the balance of power between the branches, but it will increase the accountability of both branches in the budget process. The President would have to take the credit or the blame for rescinding items or not rescinding items. Likewise, Congress would have to go on record supporting or opposing individual items that the President wished to rescind and defend those votes back home.

I believe that this bill will be an effective tool to eliminate wasteful spending without disrupting the balance of power. To those of you who believe that this bill is not strong enough and those of you who believe that it is too strong, I would remind you that what we are proposing here is a 2-year test drive. If we find that this bill is too weak, we can address that when we renew the policy. Likewise, if it is too strong, we can make changes or let the procedure expire after trying it. We will only know for sure how well this bill will work after we try it.

I am submitting for the record a number of items which will be very valuable to Members evaluating this issue as well as to scholars who might be studying it. Included in this material are legal opinions from the American Law Division and answers to the most commonly asked questions about this issue.

The time has come for us to support this additional tool for accountability and fiscal responsibility. I urge your strong support of H.R. 1578 today.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma [Mr. ISTOOK], a Member who has been a leader in the fight for true line-item veto and the one who coined the phrase, "line-item voodoo."

Mr. ISTOOK. Mr. Chairman, I want to commend the gentleman from Texas [Mr. STENHOLM], my friend, for his candor in being careful to say that this is not line-item veto. This is what he calls modified line-item veto, what others call expedited rescission. Unfortunately, Mr. Chairman, there are too many of our colleagues, I say to the gentleman from Texas, who are putting a false label on this and are trying to tell the folks this is line-item veto, this is what the public has been wanting, this is what was an overwhelming campaign issue last year.

But it is false advertising. If the public had a chance to look under the hood

on this particular piece of legislation, what would they find? I can guarantee, if they had a chance to look under the hood instead of just reading the sticker, they would not buy the product.

Here is the difference:

Under a true line-item veto bill, Mr. Chairman, the President gets a piece of legislation. It has pork in it. He takes out his pen, and he vetoes that pork, and, if Congress wants that spending to occur anyway, it must override the veto by a two-thirds margin. That is what the Castle-Solomon amendment will put in place, a two-thirds procedure.

However, under the bill we have before us, Mr. Chairman, the President gets a bill. It has pork in it. The first thing that Spratt-Stenholm says the President must do is take out that pen and sign the bill. He has just signed pork-barrel spending into law.

Then it says he makes a separate list and, after he signed the bill, he makes a list of the things he did not like about it. That list comes back to the House and to the Senate, and, if Congress changes its mind, if a majority of the Members approve, then the spending does not happen.

Unless a majority of Congress can be put together to make the cuts, the cuts do not happen. There is no such thing as an override because there is no such thing as a veto. It is only a mechanism for the President to send suggestions back to Congress and say, "Please make these cuts," but there is no power, there is no authority, there is no veto because after all, if Congress fails to approve those cuts, remember the President signed the bill.

□ 1900

The spending will occur. That is the difference between a real bill and a sham that people are being told is a line-item veto. Do you want to be arrested for false advertising, for calling this a line-item veto? That is not what it is. The Castle-Solomon amendment gives us the opportunity to adopt something that is genuine. But calling this thing a line-item veto is like the salesman that tells people, "Oh, this is genuine Naugahyde, made from the hides of real naugas."

Mr. Chairman, vote for Castle-Solomon, not for Spratt-Stenholm.

Mr. DERRICK. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Chairman, let me just for a moment ask everyone to set aside partisanship and consider what it is we are attempting to do. The purpose of a line-item veto, or enhanced rescission, or whatever it is we want to call it, and I do not think the public cares what it is called, the purpose is to give the President the authority to identify items which we have included in a spending bill, in a budget, which he believes are unnecessary, to get us

to take a look at those separately and determine whether or not we really want to spend that money. That is the purpose of it. That is the way you eliminate pork.

Mr. Chairman, the concept is not to shift the power of the purse from the Congress to the President; it is simply to be able to identify those items of bad spending and get rid of them.

By this bill, allowing the President to send us that list and make us vote on the record separately, if enough of us say yes, let us spend the money, then we ought to spend the money because we have the power of the purse under the Constitution.

But if we agree with the President and say this is bad spending, we ought not do it, then we agree and we pass the rescission request the President has sent. The power of this package is to force us to go on the record.

Mr. Chairman, many of my friends on this side of the aisle will say, "Wait a minute, I don't want to go on the record. I don't want to have this piece of spending put on the record under a spending vote, because if it goes under scrutiny, it won't be passed."

Mr. Chairman, I submit to you, drop the partisanship, look to the real purpose of what we are trying to do, and pass this bill, because it is the best we are going to get.

I rise in support of H.R. 1578. I am a cosponsor of this legislation and strongly support the concept of expedited rescission authority.

The measure could, however, be improved. It could be made stronger.

I am disappointed that, having decided we wanted to have this safeguard, we watered it down. I would like to have seen the same line-item veto principle applied to tax expenditures. There's pork in tax legislation that's just as fat, just as potbellied, as any appropriations bill around.

I would also like to have seen certain contract authority added to the bill. Look at any major authorization bill, and you can practically hear the barnyard noises where all those special interest sections granting contract authority are located.

I was prepared to offer two amendments, so that my colleagues would have an opportunity to express their views on extending the modified line-item veto to tax expenditures and to contract authority. Under the rule, I cannot offer these amendments, but I urge my colleagues to consider how far we have fallen short if we enact controls only on appropriations and not on these other two ways of draining the budget.

Over the decades we have seen Congress try to put a lid on spending, only to see the lid blown because not enough safeguards were in place. Even Gramm-Rudman, whose threat of across-the-board cuts was supposed to sober Congress up, didn't have the effect it should have.

The reason it didn't have this effect is that by the time you are about to impose across-the-board cuts, the process has gotten out of control. The real safeguards have to be in dozens of places prior to the time you make



those cuts. This modified line-item veto is one of those places.

I would also like to give my colleagues a caveat about the substitute being offered by my Republican friends, Mr. CASTLE and Mr. SOLOMON.

There are two ways to implement a rescission. The first is to provide that the President send a rescission package to the legislature which will become effective only if Congress acts to approve it. This is, in effect, the procedure followed in H.R. 1578.

The second way is to provide that the President's rescission package will become effective unless it is disapproved by the Congress. This turns the normal procedure on its head and in my view raises serious constitutional issues. It upsets the separation of powers in a practical sense, even if it technically does not violate the Constitution.

The question is whether we are delegating excessive legislative power to the executive branch. If the congressional action following a rescission is by full action of the Congress, I have no problem. This is what H.R. 1578 does. Both Houses must approve the rescission package.

By contrast, the Republican substitute delegates to the President the authority to "enact," under some circumstances, revenue legislation without congressional action. This not only raises the issues of delegation of powers, but may also present a constitutional question of legislative veto under the Chada and New Haven cases decided by the Supreme Court.

Under H.R. 1578, the President has only proposing power, the opportunity to present rescission.

Under the substitute, we have a delegation of authority to the President to carry out a function normally reserved to this branch of government.

I urge my colleagues to support H.R. 1578.

Mr. DREIER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE], a hardworking member of the Committee on the Judiciary.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, when I ran for Congress I pledged to support a line-item veto for the next President of the United States, no matter whether that was George Bush, Bill Clinton, or Ross Perot, and I stand by that. That is why I am pleased today to rise in support of the Solomon-Castle line-item veto, the only line-item veto legislation that we will be voting on here today.

Mr. Chairman, I am pleased that the gentleman from Texas, the sponsor of this bill, has acknowledged that his legislation is not a line-item veto. The gentleman stated that a number of times when we debated this earlier, and it clearly is not.

A veto occurs when the Chambers of the Congress have to vote affirmatively to override the President when he singles out particular items and says that this is something that he thinks is wasteful. I think it is an excellent idea. I think it will help to eliminate pork barrel legislation, and I think it will

help to change the way this body does business.

But if we vote for the enhanced rescission and do not have a line-item veto, we are not going to be giving the President what he asked for.

Mr. Chairman, if you want to talk the talk, you have got to walk the walk. So I would encourage my colleagues on the other side of the aisle to join us in supporting the Solomon-Castle line-item veto and give the President something that is real, something that does some good, and that will be valued by the people of this country who expect this Congress to give the President a real line-item veto.

Mr. DERRICK. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from California [Mr. HAMBURG].

Mr. HAMBURG. Mr. Chairman, I rise in strong opposition to H.R. 1578, the enhanced rescission proposal. While I respect my President and my colleagues who favor this concept, I believe it is misguided and a gimmick which will not reduce the deficit and which will potentially cause great harm to our democracy.

Like many of my freshman colleagues, I ran on a reform platform. I called for a Congress that would reform America by reforming a health care system that leaves tens of millions of Americans without access. I called for a Congress that would reform our inequitable tax system which for the last 12 years has rewarded the rich and robbed the middle class. I called for a Congress which would be honest to Americans about our budget problems and how to solve them. Mr. Chairman, this bill is not reform and is not an honest attempt to solve our problems.

Mr. Chairman, President Clinton has offered a real deficit reduction plan. The Congress recently finished action on a budget resolution implementing the President's proposals. This budget resolution cuts the deficit by over \$496 billion over the next 5 years. Mr. Chairman, that deficit reduction is not a gimmick.

The President will soon offer a health care reform package which will address the skyrocketing costs of health care—costs which contribute billions of dollars to our budget deficit each year. We in this body will have an opportunity—and a responsibility—to shape that health care reform package to ensure that it not only covers all Americans but gets Government spending on health care under control. Mr. Chairman, health care reform is not a gimmick.

Mr. Chairman, this bill is a gimmick. This bill could never generate the substantial savings produced by the budget resolution or meaningful health care reform. That is because this bill does not affect the parts of the budget which are driving the deficit. In fact, Congress has over the past 12 years consistently appropriated less funds

than requested by Republican Presidents in their budget submissions.

Mr. Chairman, let us be honest. Enhanced rescission is a gimmick. It is our way of pretending to the country that we are reforming ourselves. It is playing into the hands of the naysayers and the cynics. Now is the time for us to seize our power as the people's representatives and not give our power away to the executive branch in a dangerous precedent of shaky constitutional merit.

This house is the people's house and we need to be honest with the people. We can and should on our own do the tough job of balancing our books without resorting to gimmicks. I urge my Democratic colleagues to reject this blatant attempt to deceive the American public.

The CHAIRMAN. The Chair announces that the gentleman from South Carolina [Mr. DERRICK] has 2½ minutes remaining, the gentleman from California [Mr. DREIER] has 3 minutes remaining, the gentleman from South Carolina [Mr. SPRATT] has 5 minutes remaining, and the gentleman from Pennsylvania [Mr. CLINGER] has 6½ minutes remaining.

Mr. DREIER. Mr. Chairman, I yield 2½ minutes of the time of the gentleman from Pennsylvania [Mr. CLINGER] to my friend, the distinguished gentleman from California [Mr. KIM], a hardworking member of the Committee on Public Works and Transportation and former mayor of the city of Diamond Bar.

The CHAIRMAN. Without objection, the gentleman may proceed.

There was no objection.

□ 1910

Mr. KIM. Mr. Chairman, I rise in strong opposition to the Expedited Rescission Act and in support of the Castle-Solomon amendment to give the President a real line-item veto.

President Clinton campaigned for a line-item veto. I join the American people in wanting to give it to him. Right here, right now. Today.

But the majority Members in this House stand in opposition to President Clinton's reasonable request. Instead, they try to offer him a fake substitute. It is ironic. It is a shame and an insult to the American taxpayer. Because the line-item veto will give President Clinton the chance to eliminate pork and wasteful spending.

It is a key weapon in the fight against deficit spending. I strongly support the true line-item veto. But for the line-item veto to work, it must have real power.

The key difference between this so-called Expedited Rescission Act and the Castle-Solomon amendment is that under the so-called Expedited Rescission Act, it only takes one-half of one Chamber of Congress to kill the President's spending cuts. That is nothing.

A simple majority can override the President's line-item veto. The Democrats already have that majority. It is a sham. The real power still lies with this fiscally irresponsible Congress, not the President.

It is very clear that this Congress is playing games with the people, and has no intent to really eliminate pork barrel spending.

On the other hand, the Castle-Solomon amendment requires a two-thirds vote of both Houses to override the line-item veto. It means the cuts really will happen.

Not only that, unlike the Expedited Rescission Act, this amendment prohibits the addition of any new spending during the process. Americans are not stupid. They know that actions speak louder than words. The Castle-Solomon amendment is real, honest budget reform action. This Expedited Rescission Act is nothing more than deception and rhetoric that protects the big spenders and special interests.

It makes the public think the President has a big ax when Congress has only given him a flimsy plastic knife. It is nothing more than tax and spend, business as usual.

The American public deserves better. I urge the adoption of the Castle-Solomon amendment—the real line-item veto.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, what we have seen over the last 15 years, we have seen a Federal Government that has spending out of control. I do not believe that this Congress, had it chosen to get this country \$4 trillion into debt, would have been able to accomplish that goal, yet that is where we are today.

I think what we need to think about, as a country, is where we would be in terms of our economy if we were not \$4 trillion in debt. Where would we be if we were not at a \$300 billion deficit?

The incredible force of this country, in terms of the future, would be unbelievable, beyond our wildest dreams.

Our economy is suffering the cancer. The cancer exists. But the cancer of this deficit is also affecting our national security.

As Admiral Crowe, the former Chief of Staff of our armed services, has pointed out recently, national security is more than armies. It is our economy as well.

This legislation has the ability to be part of the effort both to have the economy as vibrant as our wildest imagination and really restore a level of national security that this country can only have as the strongest economy in the world.

Mr. DREIER. Mr. Chairman, I am happy to yield 2 minutes to a new member of the Committee on Ways and Means, the gentleman from Marysville,

CA, Mr. HERGER. The gentleman has been working diligently on that committee, I know, because he missed another meeting that I had earlier today because of his work there.

#### PARLIAMENTARY INQUIRY

Mr. DERRICK. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DERRICK. Mr. Chairman, just as a matter of curiosity, do these introductions go into the time of the opposing side? I have no objection. I am just curious.

The CHAIRMAN. The answer to the question is: Yes, they do, where they constitute debate.

Mr. HERGER. Mr. Chairman, let us stop defrauding the American public. The so-called Expedited Rescission Act is an outrageous fraud. It will not result in any savings for the Government. It is not remotely like the line-item veto the Governors of some 43 States have.

We need some truth in advertising here. Under this legislation, it will not be any harder to pad the budget with pork than it already is. Let us tell it like it is—the only purpose of this bill is simply cover for Members who wanted to increase the debt limit and add another \$1 trillion to our national debt. We are looking at a fig leaf, not real reform.

Only a real line-item veto will actually put the breaks on congressional overspending when it takes two-thirds of the vote to restore funding for the fish atlas or the beach parking garage or the study of religion in Sicily, then maybe we will finally begin to cut wasteful Federal spending.

Let us not play games with the American public. Let us reject this meaningless proposal. Instead, let us enact the real line-item veto, the Castle-Solomon substitute and put an end to special interest porkbarrel spending.

Mr. CLINGER. Mr. Chairman, may I inquire how much time all the parties have left and who closes?

The CHAIRMAN. The gentlemen representing the Committee on Government Operations each have 4 minutes. The gentleman from South Carolina [Mr. DERRICK] closes. He has 2½ minutes remaining. The gentleman from California [Mr. DREIER] has 1 minute remaining.

Mr. CLINGER. Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield myself 30 seconds.

I want to respond to the last speaker who described this bill as an outrageous fraud. I would remind my good friend, the gentleman from California [Mr. HERGER], that we voted upon a very similar piece of legislation, enhanced or expedited rescission, on October 3, 1992. And according to the CONGRESSIONAL RECORD, he voted for that bill, the bill that is before us right now.

Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. FINGERHUT].

Mr. FINGERHUT. Mr. Chairman, I thank the gentleman from South Carolina [Mr. SPRATT] not only for yielding time to me but also for his hard work on this legislation.

I join with him in taking some exception to the previous statements about the nature of this bill.

Mr. Chairman, the American people are smarter than we give them credit for. They understand that in a legislative body as diverse as the U.S. House of Representatives, coming from all States in the Union, that there are legitimate differences of opinion on how we ought to proceed. And sometimes we have to make compromises in order to achieve a result.

Mr. Chairman, the American people are also fed up. Yes, they are fed up with fiscal irresponsibility and they demand action, but more importantly, they are fed up with inaction. And they are fed up with partisanship.

So let us be honest about what is happening on the floor today. The Castle-Solomon amendment is a good amendment. In fact, I intend to support it. But I cannot help but note how many Members who have stood here today and called it the real line-item veto just an hour ago voted against our opportunity to consider that very measure this afternoon.

The Spratt-Stenholm amendment is also a good measure. It moves us forward in the realm of fiscal responsibility.

It will force Congress to reconsider spending in the glare of the spotlight, in the light of day, and to decide whether, in fact, this is spending that we need to have in this country.

It has one additional virtue, and that is, it can pass.

So my colleagues may vote how they want on the Castle-Solomon amendment, but vote for this bill because it will move us forward in a unified way for this country.

□ 1920

Mr. CLINGER. Mr. Chairman, I would ask if the gentleman from South Carolina has additional speakers.

Mr. SPRATT. Mr. Chairman, I would respond to the gentleman by saying that I have one additional request, and the gentleman from South Carolina [Mr. DERRICK] has 2½ minutes to close.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I just want to stress today that this is not a gimmick. This is a very important step, in my opinion, towards reforming the spending process in Congress.

Mr. Chairman, I want to commend the gentleman from South Carolina [Mr. SPRATT] and the gentleman from Texas [Mr. STENHOLM] for this com-



promise bill. I have felt for a very long time that we need some procedural changes in the way we do business with spending, with the budget process. I think that this is the beginning, maybe a small step, but the beginning of the process of changing the way we do business. I honestly believe that if we can get expedited rescission authority, that ultimately we will also see a balanced budget amendment and some of the other changes that can be put into place for spending reform.

I think the most important thing is not to make the distinction so much between the Spratt-Stenholm compromise and also the proposal by Mr. CASTLE, and also Mr. SOLOMON, which I will also support, but just to stress that whatever we do, either one of these proposals will ultimately mean that a lot of spending items will see the light of day, be brought to the public eye through the President's action, and that for once will make it more difficult, I believe, for items which are labeled pork barrel or for special interests that will ultimately not be signed into law and not become law and not be appropriated.

I want to indicate again my strong support for the Spratt-Stenholm compromise, although I will also be voting for the Solomon amendment. I believe if we saw the Spratt-Stenholm compromise signed into law, that that will be a far-reaching attempt toward reforming the spending process and making some significant changes in the way we do business.

Mr. CLINGER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 4 minutes.

Mr. CLINGER. Mr. Chairman, just to make myself clear on a point which was raised earlier in the debate, we have heard allusion to the amount of money that the President's budget is going to save, the amount of deficit reduction that will take place over the next 4 or 5 years.

However, I would point out that the majority of that, the cost cuts, the cuts in spending, take place in the out-years; that is, in the third, fourth, and fifth years of that budget. That is when the line-item veto is going to be absolutely essential to a President to curb the appetites of what we all know in this body are voracious for spending.

Without a line-item veto during those outyears, when those spending cuts may winnow away in the legislative process, without having the line-item veto at that point, we are going to find ourselves back in the same old soup again with passing appropriations that are going to exceed what the budget calls for.

This appropriation, the bill that we are going to be voting on tomorrow, expires at the end of 2 years. Therefore, at the very time when it would be

needed most it will no longer be on the books, will no longer be a restraint on spending, and will no longer be of help to us.

The other point is, of course, a partisan one. That is that it is clear that the majority does not trust a Republican President with a line-item veto, because otherwise they would be willing to extend it and say that a line-item veto should be available no matter who is in the Presidency.

I am delighted that we have now at least more support on the majority side for a line-item veto, because many of them, none of them, were willing to support that provision, or few of them were willing to support that provision in the last administration.

Mr. Chairman, I would urge a vote for the Castle-Solomon substitute which will be offered tomorrow as the true version of line item, which will give us the kind of restraint we so desperately need.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. DREIER] has 1 minute remaining.

Mr. DREIER. Mr. Chairman, without a flowery introduction, I yield myself the balance of my time.

Mr. Chairman, 80 percent of the American people have said in public opinion polls that they support the line-item veto, a true line-item veto. When we look at the veto authority in the Constitution, it relates to a two-thirds vote. That is what they want. I am pleased, too, that the gentleman from Texas [Mr. STENHOLM] has recognized that we are going to have a choice.

Mr. Chairman, our colleagues need to know that tomorrow we are going to have a chance to vote on the Castle-Solomon package. That is what the American people want us to do.

As a member of the committee that is working to try and reform the Congress, I hope very much that the statement that was in the Wall Street Journal's editorial this morning is not a precursor when they said, "The push to replace the line-item veto with a sham substitute is typical of how Congress is dealing with reform in this session, it is faking it."

I hope very much that we don't pass what the Journal refers to as a sham substitute. Let us do what the American people want, and that is, vote yes on the Castle-Solomon substitute when that comes before us tomorrow.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from South Carolina [Mr. DERRICK] is recognized for 2½ minutes to close debate.

Mr. DERRICK. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, the line-item veto is very important to many Americans.

The polls have indicated over the years that most Americans, a large majority of them, support it. I support it and have supported it for many years.

We have a line-item veto bill before us today. We can argue about this and that, but the fact of the matter is that most of the Members who have spoken here on the other side, or at least some of them, supported a very similar bill before the House last year that passed, and was bogged down in the Senate and never became law.

It is my hope that we will pass this and it will go to the Senate and it will pass there, and the President will sign it. I hope it will help bring some sort of fiscal sanity to our Government. I think it is a good bill. But I also want to say, and I do not think that we fool many people up here, that there are only two ways to balance a budget. We either take in more money or we spend less.

I have been in this body for a number of years and I have seen the original Budget Act, I have seen Gramm-Rudman-Hollings, I have seen balanced budget amendments, and all these sorts of things.

Of course, I am not suggesting the people who introduced them did not have good intentions, but they are the classic example, as this is, of the way politicians try to work out some gimmick so they will not have to make the hard decisions. They can remove it from themselves in some way, so they will not have to vote against an appropriation or vote for a tax increase or something else.

I will tell the Members that in my legislative career, which has spanned 25 years, I have never seen it work. It has never worked, and it is not going to work here today. The history of the line-item veto is that those who have it very seldom use it, and when they do use it, they use it for entirely different purposes than those that have been suggested here tonight. They use it not to reduce deficits, not to reduce spending, but instead to accomplish their own purposes.

Let us vote for it, let us pass it, but let us not mislead the people to think it is going to balance the budget overnight, because it will not. We are the ones who have that power, and no one else.

#### DEBATE ON ENHANCED RESCISSION AUTHORITY

Mr. PALLONE. Mr. Chairman, I rise today to address the issue of enhanced rescission authority. Taxpayers want their elected officials in Washington to stop playing games and get something done about the economy. The Expedited Rescission Act, H.R. 1578 is the first step in the right direction.

Republicans for years have been a strong advocate for this form of legislation. True it is not a pure line-item veto, however it moves us

in the right direction, the direction of reform. The Castle-Solomon substitute may be truer in form. However it may not have the votes to pass. The National Taxpayers Union and my fellow members of the CDF see the Stenholm-Spratt amendment as a viable option. What I'm saying to the Republicans is, here's something that has a real chance of passing, something that will make a difference in the budget process, and something we should agree on.

Today I challenge the Republicans to join with the Democratic majority in support of this significant budgetary procedural reform. I challenge Republicans to rise above partisanship and obstructionist tactics to enact a proposal that they themselves have for years been calling for. I hope they won't block this just for the sake of making the Democrats look bad, or because they don't want to give a Democratic President any support. That's just the same kind of gridlock that people are saying they won't tolerate anymore.

True, Stenholm-Spratt is a compromise proposal. But it's something that will work, and it's within reach. Like many of the Republicans, I have stood for a much stronger line-item veto and I will vote for the Castle-Solomon amendment. But that proposal is not likely to be enacted any time soon, while the modified line-item veto has a real chance of passing. And the truth is, with some division in the Democratic ranks, we need courageous Republicans to cross party lines in the interest of breaking the gridlock.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise today in opposition to H.R. 1578, the Expedited Rescissions Act. H.R. 1578 was supposedly crafted to reduce our \$319 billion deficit while still maintaining the balance of power between the executive and legislative branches of this Government. Unfortunately, it fails to achieve either of its goals.

The rescission authority that H.R. 1578 seeks to expedite already exists and has been regularly exercised by the President as well as Congress since it became law in 1974. In fact, under the last administration, President Bush requested \$7.9 million in rescissions and Congress enacted a total of \$8.2 million in rescission savings. During the 19-year history of the rescission authority, Congress has used this budget-reduction tool to either approve or initiate a total of \$86.5 billion in savings.

Considering that H.R. 1578 simply expedites a budget rescission authority that already exists and is used successfully, the effect that this legislation is likely to have on the deficit or our \$4 trillion debt is limited. We therefore need to seriously consider the risk that this bill poses to the carefully established balance between the White House and Congress and question the worth of that risk. For me, the minimal benefits of an expedited rescission authority simply do not outweigh the magnitude of altering the relationship between the executive and legislative branches. I am compelled to oppose this legislation and I urge my colleagues to join me and vote against H.R. 1578.

Mr. STOKES. Mr. Chairman, I rise today to express my strong opposition to H.R. 1578, the Expedited Rescissions Act. This legislation is not only unwise, and unsound policy, but more importantly, it is almost certainly unconstitutional.

Let me take a moment to discuss a little history for some of the junior Members of the House. As you may know, the Congressional Budget and Impoundment Control Act of 1974, which created the budget committee and the entire budget process, established a procedure for the President to suggest to Congress proposed rescissions at any time throughout the year. The act, recognizing that the Constitution grants the power of the purse to the Congress, specified that if the House and Senate have not approved a proposed rescission within 45 days of its submission, the funds are automatically released.

The existing rescission procedures have worked very well. In fact, and this may shock some Members on the other side of the aisle, Congress has rescinded \$17 billion more than the President has requested be rescinded since the passage of the Budget Impoundment Control Act of 1974.

The Expedited Rescissions Act would temporarily establish a new process for consideration of presidential rescission proposals by Congress. This bill seems simple enough on the surface—the House of Representatives must vote within 10 days on proposals submitted by the President to rescind appropriations. More specifically, the House must vote on the President's proposal, without amendment, and the rescissions would go into effect upon approval by both Houses of Congress.

The expedited Rescissions Act, however, would have the effect of transferring power from the legislative branch to the executive branch, without benefit of constitutional amendment, and weakening Congress' inherent constitutional power of the purse. In effect, H.R. 1578 would grant the President added power to write appropriations bills because, using the veto threat, he could insist on rescissions of various congressional proposals before the bill even reached him. Another important point is that this enhanced rescission process would not—even remotely—have a major impact on the deficit, because the legislation does not cover the authorizing committee's areas of jurisdiction, including contract authority and tax provisions.

I want to remind my colleagues that the Constitution grants the President an enormous amount of power. The President, in practice, already has two opportunities to significantly influence the spending process, through the submission of an annual budget request, which is closely followed by the appropriations committees, and through the power of the veto, which former President Bush used to his advantage on a number of occasions. The Constitution, in article I, section 8, mandates that Congress exercise the authority and responsibility of raising revenues and appropriating funds.

Mr. Chairman, serving on the Appropriations Committee is an arduous, time-consuming, and difficult task. The Appropriations Committee, and its various subcommittees, spend almost every legislative day, for approximately 3 months of the year, conducting hearings with executive branch officials, and members of the general public, and marking-up the spending bills. There is an enormous amount of responsibility that goes with membership on the Appropriations Committee, and many hours go into making the tough, and always unpopular

decisions to provide funds for one Federal program to the exclusion of funds for another worthwhile program. These decisions are never easy, and in recent years, have become even more painful. To allow the President to void all this work, and to reject with impunity the judgment of the elected representatives sent to Congress by the American people, is terribly wrong.

Mr. Chairman, I cannot state strongly enough my serious objections to this legislation. It is unwise policy, an unjust usurpation of congressional powers, and is in violation of the Constitution. I strongly urge all my colleagues to vote against H.R. 1578, and reject this enhanced rescissions procedure.

Ms. WOOLSEY. Mr. Chairman, I rise today in strong opposition to H.R. 1578, the Expedited Rescissions Act. I wholeheartedly agree that we as a Congress must tackle the problems of the national debt and the budget deficits, but passing the buck is not the answer.

While I trust our current President, past Presidents have not always exercised such good judgement. I am concerned that if this legislation is passed, important funds may be held hostage by a President who is searching for support on another project—or a second-term President who isn't accountable to the public because he/she will not run again. I believe that these are the concerns that our founders had in mind when they structured our current political system. Mr. Chairman, I believe that no one person should have so much power over a \$1.5 trillion budget.

As we look at ways to reduce the deficit, there is no doubt that Congress must make difficult choices about where the Federal Government should, and shouldn't, be spending money. I believe that we must accept these challenges and make those decisions. Passing the buck is not the answer. Let's put an end to earmarking projects that aren't making real investments in our future. Let's stop spending money on projects that haven't undergone review by the authorizing committees. Why are we asking the President to do our job for us?

As a member of the Budget Committee, I played a role in developing the budget agreement recently passed by Congress. I am pleased that this budget fundamentally reorders our Nation's priorities and that it sets strict spending limits for the next 5 years. We made difficult, but responsible, decisions about where money could be cut, and I look forward to working with the authorizing and appropriating committees as specific decisions are made.

As a former small business owner, I know first hand the importance of making critical management and budget decisions that will benefit a company and its employees. As a member of the Petaluma City Council, I worked hard with my colleagues to make decisions about how the city would spend its limited resources. Never did I run from that responsibility, and I certainly don't plan to start now.

Let's show the American people that business as usual in Washington is old news, and that we are going to make the difficult decisions that we were sent here to make. I urge my colleagues to oppose H.R. 1578.

Mr. DORNAN. Mr. Chairman, today we're discussing the rarely broached topic of true



budgetary reform. This is a subject that is very close to my heart. I am the only Member of the House of Representatives to have introduced legislation on enhanced rescission authority in every Congress since 1985. I remember when myself and perhaps only one other Member had the only rescission bills in the House. Today it seems everybody has their own version. You don't know how pleased I am to see not only how my idea has finally caught on in this body, but that the American people will finally get to hear debate on this important budget-cutting tool.

Paramount to any talk of budgetary reform has to be a discussion about congressional accountability. Getting a grip on our massive and increasing Federal budget deficit won't be possible as long as Congress continues to diffuse blame for our fiscal situation. It has become a yearly ritual for the Democrats in Congress to shift the blame onto the shoulders of the executive branch. We'll see if they continue to do that with a Democrat in the White House. But nevertheless, this disingenuous practice must end. If we are to be serious about reform, we must be truthful about Congress' leading role in the budget mess.

And if you don't think accountability is the problem, just ask the voters. They just elected the largest freshman class in years. While the Democrat freshmen have decided to play ball with their leadership, Republican freshmen have been steadfast over the last few months in pushing for true reform of the way Congress conducts its business—only to be thwarted at almost every juncture by the calcified majoritarian Democrats that run this Congress. Americans feel disenfranchised and ineffectual in the ways of their representative Government. We need real reform.

Mr. Chairman, the two legislative weapons that would most help to both check Congress' spending habits and introduce accountability for its spending decisions are the constitutional amendment to balance the Federal budget and an enhanced Presidential budget rescission authority. Maybe now that we have come to the point where we are willing to debate enhanced rescission, it is time to give the balanced budget amendment another look, considering the close defeat it suffered last summer.

But as I said, I have long advocated a Presidential check on Federal spending. The fact that the President is now a Democrat doesn't change my feelings on this one bit. As early as this past February, I testified before the Joint Committee on the Organization of Congress on my enhanced rescission bill, which I reintroduced in the 103d Congress as H.R. 666.

As you know, under current law, the President can ask Congress to rescind funds for which he does not anticipate a need. But rescissions expire and funds are released unless both Houses of Congress pass a bill specifically approving the rescissions within 45 days. In short, if Congress simply does nothing, the funds must be spent. Today's bill is no improvement. H.R. 1578, the Stenholm-Spratt Expedited Rescission Act, also only requires congressional approval of the President's rescissions. In fact, the Democrats have admitted that this bill is unenforceable, as the process it establishes would be subject to the

same occurrence of being waived, suspended, altered, or otherwise circumvented by the Rules Committee as current law. It is meant only as a strong suggestion from the President to appropriators to find deeper cuts, and is powerless as a budget-cutting tool.

H.R. 24, the Castle-Solomon Republican substitute, on the other hand, closely resembles my own bill on rescission authority, amending the Impoundment Control Act of 1974 to provide that any rescission of budget authority proposed by the President would take effect unless specifically disapproved by the adoption of a congressional joint resolution within 20 legislative days. The President would then have 10 legislative days to sign this resolution. Thus, if the Congress refused to act on a Presidential rescission request, for whatever reason, the designated funds would not be spent. This fair, but tough budget-cutting measure is referred to, curiously, by some of my Democrat colleagues as an unwarranted intrusion into the affairs of the legislative branch.

The Castle-Solomon substitute would simply reverse the bias in the current system away from spending money and toward saving it. It requires Congress to act to disapprove rescission, in accordance with the legislative process, rather than rejecting savings by inaction. This is very similar to the original House-passed Impoundment Control Act, which permitted Presidential rescissions unless one legislative Chamber terminated the impoundment within a 60-day period. Castle-Solomon merely shortens the disapproval period to 20 days and corrects, as does my own bill, the constitutional problems arising from the Supreme Court's *Chadha* decision, which addressed the constitutionality of the legislative veto.

This is the most important benefit enhanced rescission has over a straight line-item veto approach—it addresses the legitimate constitutional questions involved. In fact, according to the Library of Congress, enhanced rescission on this model—indeed, the Dornan model—is constitutional and conforms to Supreme Court doctrine on the legislative veto. The lack of such a constitutional clean bill of health is specifically why I have not cosponsored line-item veto legislation.

Enhanced rescission authority will be more effective in getting at Government waste. It may be an obvious point, but for the line-item veto to work there has to be a line item to veto. But as you and I know, Mr. Chairman, the specific items that would most likely be targets of the line-item veto are never found in individual appropriations bills, but in conference reports. The only way around this problem is to insert the conference reports in the appropriations bills—and I think we can safely assume that this is unlikely. On the other hand, to propose a rescission, the President must submit one or more rescission messages to Congress, specifying the amount of budget authority he wishes to cut, the account, agency, functions, and programs affected, the reasons for the rescission, and the overall effect. In short, the President would have more flexibility.

Mr. Chairman, there is a clear need to bring balance into the budget process by giving the President a greater role. Impoundments of one sort or another have been used to good effect

by Presidents since the Jefferson administration to control Government spending. Presidents Truman, Eisenhower, and Kennedy all used their impoundment power to control Government spending. And in 1966, President Johnson impounded \$5.3 billion to offset costs associated with the Vietnam war.

But with the passage of the Impoundment Act in 1974—a gut reaction on the part of Congress against former President Nixon and then President Ford—which took away the executive branch's impoundment power and set up the current rescission process, there has been a steady trend away from approving any Presidential rescission. Since 1974, Congress has constantly ignored Presidential rescission requests. Political pressure forced Congress to act last year on the President's \$7.9 billion rescission request, but the \$8.2 billion that Congress rescinded was an aberration. Before that, Congress had accepted only \$402 million, or 1.2 percent, of the \$33.4 billion in Presidential rescissions requested since 1983. Clearly some sort of impoundment authority for the President is in order. Despite his presiding over the largest budget in the world, the President has less control than any corporate CEO or the Governor in any of 43 States. Enhanced rescission authority would allow the President to have the same power a CEO has to ask his board of directors, in this case Congress, "Is this specific expenditure really necessary?"

Some opponents of enhanced rescission point to the GAO comparison of Presidential rescission requests and congressional action on rescissions which appears to show that Congress actually rescinded more money than the President requested from 1981 through February 1992. But GAO's formula includes, among other questionable entries, money Congress rescinded that could not have been spent. For example, if Congress appropriated \$100 million to build an airport, and the airport only cost \$80 million to build, that would leave \$20 million that could be spent for no other purpose. The GAO says that Congress rescinding that \$20 million so it could be spent elsewhere is a legitimate rescission. Technically, that may be a rescission, but it doesn't save any money.

Enhancing the President's rescission authority addresses one of the major problems with the modern Congress—its tendency to circumvent the democratic process, especially when appropriating. We spend money on projects that have never been authorized or even the subject of a hearing in an authorization committee. Appropriations that never appeared in a bill are added in conference. Appropriations with no meaningful relationship to the underlying bill are added in the dead of night. We hastily pass catch-all appropriations or continuing resolutions. It is only natural that a Member has a strong preference to see funds directed to his or her constituency—some more so than others, I am sure. But the sum of all the numerous favors and deals of 435 Congressmen and 100 Senators can work against our Nation's overall interest.

The President being elected by all of the people, has a better vision of what is good for the Nation as a whole. When these two visions collide, I believe the Nation's needs must come first and that the President, wheth-

er Democrat or Republican, is in the best position to make that determination. And somewhere along the way, the Congress should be required to speak on these issues.

It is important to note that I am under no illusion that enhanced rescission will solve the deficit crisis and bring the budget into balance. It would likely apply to only a small part of the budget and realistically we could only expect savings of maybe several billion dollars a year. Indeed, a GAO study stated that if Presidents Bush and Reagan had had the line-item veto from 1984 to 1989, savings would have been at least \$70 billion, and given the generous assumptions used by GAO, actual amounts would probably have been far lower. But this is not to say that I belittle saving the taxpayers several billion dollars a year. I am one of those few here, Mr. Chairman, who still thinks a billion dollars is a lot of money. But it will take a lot more than that to balance the budget. What it will take to dig us out of our budget hole is a combination of reforms, including a balanced budget amendment with a tax limitation feature, a flexible spending freeze, budgetary process reform, and entitlement reform.

Some might say that an enhanced rescission authority would make Congress even less responsible. I have heard a few Democrats who oppose this change argue the truly cynical point that enhanced rescission authority would actually increase the deficit by giving Congress the incentive to present larger budgets to protect against the Presidential power to rescind. Mr. Chairman, this is truly an insightful look at what many of the House's majoritarian Democrats view as their role in our representative Government—big spenders of pork. But we have had almost 200 years of experience with Presidential impoundment and did not experience such problems. A 1987-88 study on the line-item veto at the State level concluded that expenditures were lower in those States with the line-item veto. Those 10 States that have special line-item authority, which allows a Governor to reduce dollar amounts rather than zeroing an appropriation out completely—enhanced rescission would allow for this—saw spending average 14 percent lower than in the States with no line-item veto authority.

Mr. Chairman, it is paramount that we adopt a Presidential check on spending to restore accountability to the spending process. And if we get some spending relief in the process, then so much the better. We have created a culture of perpetually increasing spending. We need to rein it in.

Mr. Chairman, it is clear that we, as a body, have not done enough to deal with our Nation's mounting budget deficit. Our true crisis is the uncontrolled propensity to spend and waste Federal tax dollars. Unless we are willing to hold ourselves accountable for our own actions, and remain accountable to the American people, we will be shirking our constitutional duty to secure the blessings of liberty to ourselves and our posterity, meaning our children and our grandchildren. Mr. Chairman, you may know that I have recently helped to establish a grandparents caucus here in the House as a reminder to those of us who have grandchildren exactly why we fight so hard in this body on the various issues we face. As a

Member of Congress, I do not want my legacy to my grandchildren to be irreconcilable debt and an entrenched, unresponsive political bureaucracy. It is bad enough that Congress systematically attempts to erode the moral underpinnings of our legal code. Mr. Chairman, we must leave our grandchildren more than a bill.

Accountability should be the order of our reform. By destroying our competitiveness and cheapening the legacy we leave to future generations, we prove ourselves ineffective, and more disturbingly, possibly incompetent in dealing with the true problems of our Nation. We must return our Federal Government to the citizens of this country, and place it back on a track of fiscal responsibility. The decisions we make will profoundly influence the way Congress conducts its business in the coming century. True reform is not merely for the sake of change. Change, as envisioned by our President is not what is needed. Rather, a fundamental reorganization of Congress' role in governing the Nation is in order. I, for one, am proud of my own role in this process, and I am pleased to finally see my colleagues climb aboard a good idea.

Mr. Chairman, it is for these reasons that I urge my fellow members to support the Castle-Solomon substitute on enhanced rescission authority, and institute real reform of the budget process. I also urge my colleagues to support the Michel amendment, which would apply the same principle to the various tax breaks that the Congress likes to dole out to their favorite special interests. We need both these reforms if we are to finally bring some accountability back to the process.

Vote "yes" on Castle-Solomon and "yes" on Michel. If they fail, vote "no" on Stenholm-Spratt.

Mr. CONYERS. Mr. Chairman, today, the House considered House Resolution 149, the rule for the consideration of H.R. 1578, legislation to provide expedited rescission authority for the President.

The Rules and Government Operations Committees have worked together for some time to bring to the floor, legislation to permit the expedited consideration of Presidential rescissions. The Rules Committee is to be commended for their fine work in crafting a rule which carefully balances diverging interests and permits the consideration of H.R. 1578 and several amendments.

Earlier this year, I wrote Chairman MOAKLEY regarding this legislation, urging that he and his committee make all germane amendments in order under the rule. The chairman has done the House one better, offering a special waiver to permit the consideration of the amendment of Minority Leader MICHEL, to extend rescission authority to revenue measures.

I want to clarify that I do not support the minority leader's amendment. I am concerned that the extension of rescission authority to revenue measures will serve as a poison pill, destroying the limited nature of this expedited rescission proposal. In the event that Congress wishes to pursue this tax rescission option, Congress will have the opportunity to review the issue following the 2-year trial run of this expedited rescission process. While I do not support the minority leader's amendment, the House, today, will have the opportunity to consider the merits of this proposal.

Earlier, the Government Operations Committee, Legislation Subcommittee held a wide-ranging hearing on expedited rescission. During this hearing, our former colleague, OMB Director Leon Panetta, repeated the administration's call for the adoption of expedited rescission authority. Since the hearing, the Committee on Government Operations and Congressman JOHN SPRATT have worked diligently with the administration and OMB, the majority leader, the Rules Committee and other committed Members of Congress to prepare this legislation for the floor.

All of us are committed to eliminating wasteful and unproductive Federal spending. The Government Operations Committee has vigorously exercised its oversight function, to address fraud, waste, and mismanagement throughout the Federal Government. However, I am more troubled by untested and potentially damaging alternatives to the careful expansion of existing rescission authority represented by H.R. 1578.

I am also concerned by the potential for abuse and many of the criticisms you will hear today reflect apprehension fueled by administrative abuses of the 1970's. The Impoundment Control Act was adopted in response to the administration's misuse of impoundment to unilaterally and indefinitely cancel spending for selected programs. Consequently, this expedited rescission authority provides for a careful expansion of Presidential rescission authority for a limited trial run and the authority expires 2 years after enactment.

H.R. 1578 represents a modest effort to create a limited, additional deficit reduction tool for the President. The bill provides the President with a certainty of a vote on the President's rescission proposals, guaranteeing an accelerated process through Congress. While the President is guaranteed a vote on his rescissions, nothing can become law without the support of a majority of both Houses of Congress. This legislation respects congressional power of the purse.

H.R. 1578 also provides for congressional authority to offer a rescission alternative that is the immediate subject of consideration in the House if the President's rescission proposal is defeated. If the Appropriations Committee believes they can offer a better rescission package which emphasizes congressional priorities, they are free to report an alternative rescission proposal as well, provided it rescinds an equal or greater amount of budget authority. Additionally, nothing prohibits or impedes Congress from reporting additional rescissions under our constitutional power of the purse. This bill won't impede our authority to reconsider programs and rescind spending that fails to match with Federal priorities.

President Clinton's budget moves the country forward, addressing both the budget deficit and our national investment deficit, reinvesting in critical spending priorities such as education and health. However, the Nation needs to move away from huge deficit increases accumulated during the past two administrations. Three quarters of the total Federal debt has been accumulated during the past 12 years. With a projected 1993 budget deficit of approximately \$319 billion and over \$4.1 trillion in aggregated Federal debt, the President could benefit from additional, stronger deficit



reduction tools to rein in unnecessary Federal spending. Yesterday, President Clinton repeated his call for passage of this expedited rescission legislation.

I urge my colleagues to support the rule and H.R. 1578.

Mr. DERRICK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

□ 1930

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ANDREWS of New Jersey) having assumed the chair, Mr. SWIFT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 1578, to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority, had come to no resolution thereon.

#### LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I have asked for this time for the purpose of entering into a colloquy with the manager of the bill from the Rules Committee on the schedule for tomorrow. I assume the House is going in at 11 in the morning and that there will be some 1-minute speeches, and at that point it would be in order for the gentleman from Delaware [Mr. CASTLE] to call up his amendment in the nature of a substitute. Is that correct?

Mr. DERRICK. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from South Carolina.

Mr. DERRICK. Mr. Speaker, I think that basically is correct. I am a little shaky on that. I do not have the latest word. But my understanding is that we will come in and do some normal things that we do when we first go into session, and then we will go into the Castle-Solomon amendment. And then we will try to finish the amendments and finish the bill, which should take several hours, and probably we will be out of here by early afternoon or mid-afternoon at the latest.

Mr. SOLOMON. And there is a Michel amendment to the Castle substitute, and we would tomorrow morning perhaps like to clarify the fact that the gentleman from Illinois [Mr. MICHEL] would at some point during that 1 hour of debate on the Castle substitute be able to call up his amendment to that amendment.

Mr. DERRICK. The gentleman from Illinois [Mr. MICHEL] certainly has that right under the rule.

Mr. SOLOMON. I thank the gentleman.

#### LOST AMERICAN JOBS TIED TO UNFAIR FRENCH COMPETITION

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLF. Mr. Speaker, the Washington Post reported yesterday that the CIA has information that French intelligence is spying on American high-technology businesses.

I have obtained a 24-page document which lists 50 American companies involved in defense and aerospace which have been targeted by the French. Some of these companies are in my congressional district. The document also lists more than 20 United States financial businesses and several key United States Federal Government agencies, including NASA, NOAA, and the United States Trade Representative as targets for French intelligence. Los Alamos and Livermore Government laboratories have also been targeted.

The shopping list of items which the French are after is very disturbing. Solid rocket booster technology, satellite research, and information about high definition televisions. These are some of the diminishing number of industries in which U.S. business is on top. Simply put, the French are trying to rob American industry blind. They are doing so by stealing valuable information from our businesses.

As the ranking Republican member of the House Appropriations Subcommittee on Transportation, I am very concerned that many ongoing research and development programs involving American businesses designed to win U.S. Government and international contracts are now placed at a severe disadvantage.

It appears that the French are stealing research, providing it to French companies who in turn develop a similar system but at much less cost—because they have fewer R&D costs and are subsidized by their Government—and then winning contracts over United States firms. For example, Hughes Aircraft recently lost out to the French on a \$258 million satellite contract with Arab countries. According to this document, Hughes' HS-601 satellite technology has been targeted by French intelligence. I do not object to foreign competition, but let us make sure it is all above the table. American jobs are at stake.

All Federal employees, both defense and civilian, should be prohibited from attending the Paris air show in June. If we cannot receive assurances from the Government of France that it is no longer spying on United States Federal Government agencies, then we cannot afford to send employees from our Government to France where they may fall victim to cat burglar tactics. I also encourage all American defense and aerospace firms to boycott the Paris air

show and I commend Hughes Aircraft for pulling out.

[From the Washington Post, Apr. 27, 1993]  
CIA: FRENCH TARGETED SECRETS OF U.S. FIRMS—HUGHES CANCELS ITS EXHIBIT AT PARIS AIR SHOW

(By John Mintz)

The Central Intelligence Agency recently warned dozens of U.S. defense and aerospace companies that French intelligence agents are targeting them for their industrial secrets, and the warnings helped persuade Hughes Aircraft Co. not to exhibit its aerospace equipment at the Paris Air Show in June.

The CIA's information appears to be based in part on a 21-page French government document from about 1990 that outlines the types of 21st-century aerospace and defense technologies in which French companies are interested, U.S. industry officials said.

Knight-Ridder Inc. newspapers recently received a copy of the document anonymously in the mail, and reported about it last week. It said the unsigned, undated report, in French and stamped "Defense Confidential," listed the U.S. corporate secrets on which French diplomats in this country should focus, including numerous types of research work, marketing strategies and U.S. positions in trade disputes.

On April 11, the London Sunday Times said the CIA also got the memo anonymously in the mail, and that it included data about then-president George Bush's private life. The United States responded by tightening security procedures for government officials, the paper said.

One part of the memo apparently was written to a French diplomat whose work involves Florida, and it told him of the weapons made at defense plants there, one industry official said.

A French embassy spokesman, asked about the memo, said: "There is nothing in this document to indicate that it was released by French government offices."

Hughes Chairman C. Michael Armstrong had doubts about attending the Paris Air Show because of the cost, and hearing of the French intelligence effort was "the last straw" in his decision to forgo the trip, a Hughes official said.

Hughes learned that one item in which the memo states an interest is Hughes HS 601 communications satellite, which recently lost a competition with French firms to provide \$258 million worth of communications spacecraft to Arab countries.

For years, U.S. intelligence agencies have privately counseled American business executives visiting France and other allied countries not to leave briefcases with proprietary secrets in their hotel rooms when at conferences or out to dinner.

Japan also has tried to get U.S. companies' secrets for its companies, U.S. government officials have said.

In recent years U.S. intelligence officials, searching for new missions now that the worldwide struggle with the East Bloc has tailed off, have debated whether they should practice industrial espionage for U.S. firms.

At his confirmation hearings, CIA Director R. James Woolsey said the proposal for U.S. intelligence agencies to gather foreign corporations' secrets to share with U.S. firms is "the hottest current topic in intelligence policy."

His predecessor, Robert Gates, decided against the practice. Woolsey told Congress last month that he is reviewing the idea but that it is "loaded with foreign policy and

legal difficulties." Corporate analysts say one problem is that U.S. agencies could end up giving the foreign secrets to select U.S. firms while excluding others.

A CIA official said yesterday the agency's sharing of information in this case does not signal a new policy, but continues one of tipping off U.S. firms if the U.S. government learns of attempts to compromise their security.

An industry publication, *Defense Week*, said yesterday that the French memo lists 49 U.S. companies and 24 U.S. financial institutions as targets.

Based in part on the memo, the CIA and the State Department warned numerous American companies, industry officials said.

The CIA told McDonnell Douglas Corp. about the French memo, a company official said. "This was a one-of-a-kind briefing," he said. "They don't normally do that."

Memorandum for: Director/DR.  
Subject: DEST Collection Plan.

Prepared by the Exploitation-Implementation Office of the Department of Economics, Science, and Technology (DEST), this document lists the intelligence requirements and related targets, based on guidance and studies for each section.

It consists of three general categories:

**Technical-Industrial:** (Computers/electronics/telecommunications, aeronautics/armament, nuclear, chemical, space, consumer goods, capital goods, raw materials, and major civilian contracts).

**Finance/Maritime Matters:** This document is divided into two parts: general presentation of requirements; a list of intelligence requirements by geographic sector and country; specific targets in priority order, descending from 1 to 3. Under each country, requirements are grouped similarly.

#### UNITED STATES DEFENSE-SPACE

Target: Bell.  
Priority: 1.  
Requirements: Aeronautics.  
Commercial activities with Bell civilian and military helicopters.

Industrial strategy regarding industrial alliances.

V-22 Osprey technology—commercial strategy in association with Westland (UK).

Industrial compensation plans related to equipment sales.

Company participation in LHX program.  
Target: Boeing.

Priority: 1.  
Requirements: Civil aeronautics.

To follow:  
Commercial activities related to sale of civilian aircraft.

Analysis of production capacities.  
Current technical problems with BOEING aircraft.

Restructuring of the means of production. 757-X (and 767-X) programs.

Exploratory developments concerning orbital aircraft.

Composite, resin, and alloy technology, manufacturing costs, and production plans.

Dispute with Airbus (notably as regards GATT).

Priority: 1.  
Requirements: Electronics and arms systems.

Follow:  
Company activities in SDI program.

Integration of equipment into materiel intended for special forces.

Company activities regarding beginning work on major programs (C3I, aeronautic, naval).

Industrial compensation plans (notably Saudi Peace Shield and Peace Sentinel programs).

Determination of priorities regarding association with European companies.

Company activities in the ground-to-air field.

Target: Ford Aerospace.  
Priority: 1.

Requirements:  
Telecommunications, weather, and NATO satellites (SUPERBIRD platform).

Target: General Dynamics.  
Priority: 1.

Requirements: Military Aeronautics.  
Follow activities relating to the Middle East, Asia, Africa, Europe.

Commercial activities regarding the F-16 Agile Falcon program.

Company participation in the ATA program.

Target: General Dynamics Corp. (Space Systems Div.)

Priority:  
Requirements:  
Atlas/Centaur 1-2 AS launchers competing with Ariane.

NASP module (CC-MMC materials).  
Target: Hughes Aircraft Co. (Space and Communications Group).

Priority: 1.  
Requirements:  
Telecommunications, weather, probe satellites.

HS 601 platform.  
Target: Ite Optical Systems.

Priority: 1.  
Requirements:  
Optical elements for space (mirrors: composites and cryogenic cooling) CCD.

Target: Kearsfott (formerly Singer).  
Priority: 1.

Requirements:  
Inertial equipment (accelerometers, VBA).  
Stellar sensors (Trident II D 5 missile command).

Target: Lockheed.  
Priority: 1.

Requirements:  
Follow:  
ATF program development and technologies, notably: aerodynamic and infra-red stealth integration of passive sensors.

Priority: 2.  
Requirements:  
Follow:

Commercial activities regarding C130 and P3 aircraft.

Technical problems with C5 Galaxy aircraft.

Activities of company's Arab subdivision (Lockhar).

Development of LRAACA program (maritime patrol).

Target: Lockheed Missile and Space Co. Inc.

Priority: 1.  
Requirements:  
Shuttle tiles, space station.

MILSTAR satellite.  
SDI/BSTS, SSTs, ERIS.

Target: Los Alamos and Lawrence Livermore Lab.

Priority: 1.  
Requirements:  
Follow ongoing research and development for military projects.

Target: McDonnell Douglas.  
Priority: 1.

Requirements: Civil Aeronautics  
Follow:

Commercial activities regarding range of civilian aircraft.

MD 80-9X-11)  
Production capacity, costs and charges plan.

Seeking of industrial alliances with foreign manufacturers.

Priority: 1.  
Requirements: Military Aeronautics.

Follow:  
Activities relating to Middle East, Asia, Europe.

Related industrial compensation plans.  
Technologies in fields of: stealth, maneuverability (F 15 STOL demonstrator).

Commercial activities relating to sales of military and civilian helicopters.

Target: McDonnell Douglas Astronautics Co.

Priority: 1.  
Requirements:  
SDI/GSTS, BMC 3.

DELTA 2 launcher/competition-Ariane.  
ALV

NASP module (CC-CMC materials).  
Space station (external framework) stage

2, Johnson Center..  
Target: Martin Marietta Astronautics Group.

Priority: 1.  
Requirements:  
Liquid-fuel boosters.

Titan 2, 3, and 4 launchers; competition Titan 3/Ariane 4.

Strategic missiles (Pershing 2 knowledge: i.e., cooperation/West Germany).

SDI: Zenith Star laser, space interceptor: SBI.

Satellites (Tethered satellite project).  
Space probes.

Priority: 1.  
Requirements:  
Follow:

Technical problems of ADATS system (developed with Oerlikon Suisse).

Target: Northrop.  
Priority: 1.

Requirements:  
Gyrolasers.

AIRS command systems for MX missiles, Midgetman's Modairs.

Target: Perkin Elmer Corp.  
Priority: 1.

Requirements:  
Electro-optical on-board systems (CCD).

SDI: mirrors for lasers.  
Target: Pratt and Whitney (engines).

Priority: 1.  
Requirements:  
Follow:

Commercial activities concerning civilian and military engines.

Company participation in foreign fighter aircraft programs.

Target: Rockwell International (Space Transportation Systems Div.) (Satellite and Space Electronics).

Priority: 1.  
Requirements:  
GPS Satellites: Rockwell Collins, Cedar Rapids, Iowa.

Propulsion/Rocketdyne Div. (Canoga Park, Cal.) Scramjet for NASP.

Future shuttle.  
Space station/Rocketdyne Div. (energy production step 4—Lewis center).

NASP module (metals, CC).

SDI/SBI.  
Target: Sikorsky.

Priority: 1.  
Requirements: Helicopters.

Follow:  
Commercial activities regarding civilian and military helicopters.

Industrial strategy (OPA—associations with other manufacturers—penetration of European market by Westland).

Target: TRW (Space and Defense Sector).  
Priority: 1.

Requirements:  
Military telecommunications (detection: DSCS, DSP (phase II), Fltsatcom system) and surveillance satellites.



SDI/SSTS, ERIS, BM/C3.  
Electronic listening systems (Ferret program code 711).  
Target: Westinghouse (airborne, naval, and ground-based radar).  
Priority: 1.  
Requirements:  
Follow:  
New generation radar technology (military).  
Commercial and industrial strategy activities (compensations—alliances).  
Target: Aerojet General Corp.  
Priority: 2.  
Requirements:  
Solid and liquid propellants (2nd stage Minuteman Sacramento).  
Satellite sensors.  
Powered commands ["pilotage en force"].  
Target: Allied Signal Inc. (Guidance Systems Div.)  
Priority: 2.  
Requirements:  
Internal sensors, calculators.  
Stellar sensors.  
Altitude control (GPS).  
Target: Allison (turbo engines).  
Priority: 2.  
Requirements:  
To identify:  
Marketing strategy.  
Company participation in new LHX helicopters programs.  
Target: Atlantic Research Corp.  
Priority: 2.  
Requirements:  
Development of solid and liquid propellants.  
Composite materials.  
Target: General Dynamics..  
Priority: 2.  
Requirements:  
Technical problems of F-16 aircraft.  
Research and development in stealth material.  
Marketing strategy regarding Stinger ground-to-air missile.  
Bimodal sensor technology (IR/UV) on this system.  
Stinger licensed construction accords.  
Commercial activities regarding M1 Abrams tank (sales, licensings, industrial compensation).  
Submarine anechoic exterior technology.  
Target: Gould (naval activities).  
Priority: 2.  
Requirements:  
Follow:  
Research and development work on sensors and ships.  
Research on new generation light torpedoes.  
Marketing of MK 48 torpedoes.  
Ship modernization activities.  
Target: GTE Communications Products Corp.  
Priority: 2.  
Requirements:  
Microwave communications system.  
Strategic recognition system, lasers in space.  
Target: B.F. Goodrich (aeronautical equipment).  
Priority: 2.  
Requirements:  
Follow:  
Carbon brakes technology.  
Negotiations with airline companies.  
Target: Boeing.  
Priority: 2.  
Requirements: Military Aeronautics.  
Follow:  
V-22 Osprey program (technology, marketing strategy).

Integration of electronic equipment in E6A aircraft (TACAMO).  
Target: Fiberite Corp.  
Priority: 2.  
Requirements:  
New materials.  
Target: GE Aerospace Div.  
Priority: 2.  
Requirements:  
Satellites, payloads, sensors, software, propulsion, guidance, command ["pilotage"], energy source.  
Space station (automatic platform) step 3 Goddard center.  
Target: Grumman Aerospace Corp.  
Priority: 2.  
Requirements:  
Space station.  
SDI/BSTS.  
Target: Hercules Aerospace Co.  
Priority: 2.  
Requirements:  
Engines.  
Materials.  
Target: Honeywell Inc. (Satellite Systems Div.)  
Priority: 2.  
Requirements:  
Guidance, gyrolasers (Clearwater CFL).  
Stellar sensors.  
Target: LTV (Missiles and Electronics Group).  
Priority: 2.  
Requirements:  
Scout launchers.  
Non-ablative materials, Stealth materials.  
SDI: directed-energy weapons.  
Development of highspeed ground-to-air systems (anti-missile missiles).  
Guidance technologies for these systems.  
Target: MDC.  
Priority: 2.  
Requirements:  
Follow:  
Notar technology (rotor tail suppression).  
Company participation in LHX program.  
Development of C-17 transport aircraft program.  
Company participation in ATF (Advanced Tactical Fighter) program.  
Commercial activities concerning F-15/F-18/AV-8 aircraft.  
Priority: 2.  
Requirement: Electronics.  
Follow:  
Commercial activities and industrial strategy of the Detection and Communications Division (SDC).  
Guidance technology for air-to-ground and ground-to-air weapons.  
Target: Martin Marietta (weapons systems).  
Priority: 2.  
Requirements:  
Follow:  
Development and marketing of vertical launch ground-to-air weapons systems.  
Research and development in the field of ground-to-air weapons.  
Research and development in the field of electro-optical sensors.  
Target: Northrop.  
Priority: 2.  
Requirements: Military Aeronautics.  
Follow:  
Commercial activities.  
Relations with foreign countries with a view to providing F-20 program technology.  
Technologies used in B-2 program.  
Target: Systron Donner (Inertial Div.).  
Priority: 2.  
Requirements:  
Inertial systems (sensors, accelerometers).  
Target: Texas Instruments (radar).

Priority: 2.  
Requirements:  
Follow:  
Airborne radar industrial objectives and cooperative programs with Europe and Japan.  
Target: Textron Corp. (Textron Defense Systems) (Textron Aerostructures).  
Priority: 2.  
Requirements:  
Re-entry vehicles.  
Target: United Technologies (Chemical Systems Div.).  
Priority: 2.  
Requirements:  
Follow:  
Solid propellants (ORBUS family) (Hamilton Standard).  
Inertial systems.  
Space Station (Pratt and Whitney).  
Development of Scramjet for NASP.  
Target: Allied Signal.  
Priority: 3.  
Requirements:  
Follow:  
Research and development in the field of military avionics (Bendix).  
Research and development in the field of cruise missile propulsion.  
Research in the field of high-altitude turbo-propulsion (Garrett).  
General commercial activities, industrial strategy (OPA, alliances), participation in major programs.  
Target: American Rocket Company (AMROC).  
Priority: 3.  
Requirements:  
Launcher development.  
Target: Ball Corp.  
Priority: 3.  
Requirements:  
Satellites (main contractor).  
Instrumentation (spectrographs).  
Target: Bell.  
Priority: 3.  
Requirements:  
Follow activities regarding helicopters in Africa.  
Target: Boeing Aerospace Co.  
Priority: 3.  
Requirements:  
Space station (contracts for modules) step 1 Marshall Center.  
IUS.  
OTV.  
Target: Cadillac Gage (combat tanks).  
Priority: 3.  
Requirements:  
Follow commercial activities followed by licensing (local production).  
Target: DGA International.  
Priority: 3.  
Requirements:  
Follow:  
Intermediary activities for European firms in order to penetrate American market.  
Target: EOSAT.  
Priority: 3.  
Requirements:  
LANDSAT.  
Target: Fairchild Space Co.  
Priority: 3.  
Requirements:  
TOPEX satellites.  
Communications networks.  
Target: General Dynamics.  
Priority: 3.  
Requirements:  
Follow commercial activity (F-16 in Cameroon).  
Target: GM Hughes Electronics Delco Electronics Corp.  
Priority: 3.

Requirements:  
Inertial systems, calculators.  
Target: Grumman.  
Priority: 3.  
Requirements: Military Aeronautics.  
Follow activities concerning Middle East, Asia.

Commercial activities concerning Hawk-eye E-2C detection aircraft.  
Target: Harris Corp. (Satellite Communications Division).  
Priority: 3.

Requirements:  
Communications satellites.  
Target: Honeywell (sensors).  
Priority: 3.

Requirements:  
Follow:  
Research and development concerning electro-optical sensors on aircraft, ships, and ground-to-air weapons systems.

Research and development work on MK-50 light torpedoes.

Guidance unit technology.  
Target: Hughes (weapons systems).  
Priority: 3.

Requirements:  
Follow:  
Technology for fiber optic-guided ground-to-air anti-tank weapons.

Technologies used in land and naval radar, systems marketing.

Air-to-air Phoenix 54 C missile technology.  
Technologies used in the field of electro-optical sensors.

Guidance technology for air-to-ground, air-to-air, and ground-to-air weapons.

Technologies for APG 65/71 airborne radar.  
Target: ITT/Gilfillan (radar).  
Priority: 3.

Requirements:  
Follow:  
Technologies used in new military radar.

Systems commercialization.  
Commercialization and industrial strategy

in the field of very short-range ground-to-air systems.

Radar: research, development, and marketing activities for land and naval radar.

Technologies and operational criteria for retrodiffusion systems (OTH B radar).

Naval activities: technologies used in the new range of active and passive sonars.

Commercial activities regarding gas turbine sales (LM 2500).

Target: Litton Loral Sanders Tracor Sperry (electronic equipment).  
Priority: 3.

Requirements:  
Follow technologies for electronic warfare systems on aircraft and ships.

Target: Morton Thiokol Inc.  
Priority: 3.

Requirements:  
Liquid propulsion.

Target: NASA.  
Priority: 3.

Requirements:  
Marshall, Johnson, Goddard, and Lewis (materials) centers.

Target: NOAA.  
Priority: 3.

Requirements:  
Weather satellites.

Target: Norden.  
Priority: 3.

Requirements: Electronics.

Follow guidance technology for ground-to-ground weapons.

Target: Northrop.  
Priority: 3.

Requirements: Electronics.

Identify:  
Weapons guidance electro-optical detection sensor technology.

Airborne electronic warfare equipment technology.

Target: Pacific North American Launch Systems Inc.

Priority: 3.  
Requirements:

Lightsat programs.  
Target: Rockwell.

Priority: 3.  
Requirements: Aeronautics.

Identify technical problems in B1B aircraft.

Target: Sikorsky.  
Priority: 3.

Requirements:  
Follow:

Electromagnetic compatibility problems between (Black Hawk) S-70 modules and equipment.

Target: Space Commerce Corp.  
Priority: 3.

Requirements:  
Commercial agent for the Soviet Proton launcher.

Target: Watervliet (arsenal).  
Priority: 3.

Requirements:  
Follow:

Chrome-plating technology for tank cannons.

Electro-thermal and electro-magnetic cannon technology.

Developments in the field of liquid propulsion for munitions.

Research and development on reactive armor for tanks.

Target: Westinghouse.  
Priority: 3.

Requirements:  
Follow:

Magnetic anomaly detection (MAD) systems technology.

Company participation in fight aircraft modernization markets.

#### NUCLEAR

Target: Babcock and Wilcox (Nuclear Power Division).  
Priority: 1.

Requirements:  
Identify their strategy regarding nuclear products and services.

Target: Motorola.  
Priority: 1.

Requirements:  
Strategy for penetrating the European cellular radiotelephone market.

Military application of numeric signal treatment, research on numeric modulations (cost, efficiency, etc.), as well as on problems and solutions relating to encoding information and data.

Development of secure radiotelephone equipment intended for high-level authorities, i.e., governmental.

Target: Corning Glass Works.  
Priority: 2.

Requirements:  
Draft industrial accords in the USSR to build or renovate television tube production plants.

Target: High Definition Television (see Zenith).  
Priority: 1.

Requirements:  
Enterprises involved in the program, names of officials.

All information on defining standards, the positions of American negotiators in international arenas, particularly vis-a-vis European and Japanese standards.

What technologies are being applied: flat screens, memories.

Actions undertaken by Japanese manufacturers to impose their standards on cinema

and audiovisual professionals (producers, film-makers, technicians).

#### FINANCE

Targets: Lazard Brothers, Goldman Sachs, First Boston, Wasserstein Perella and Co., Salomon Brothers, Morgan Guaranty, Drexel Burnham Lambert, Prudential Bache, Shearson Lehman, Bankers Trust, Morgan Stanley, Irving Trust, Kidder and Peabody, Chase Manhattan Bank, Merrill Lynch, First National Bank, City Bank, Chemical Bank, KKR, Park Tower, Republic National Bank, International Capital Access Group, founded by M. Milken in Los Angeles, Proxy fighters such as the Carter Organization, DG King and Co., and Principal consultants offices, such as MacKinsay.

Priority: 1.  
Requirements:

Development strategy; participation, fusions, acquisitions, joint ventures, establishment in Europe.

Lawyers, consultants, financial companies used for any operation.

Proposals and projects regarding debt.

All types of accords with Japanese financial firms or banks.

Target: USTR, Economic and Finance Department, Agriculture Department, Commerce Department, and Central Bank.

Priority: 2.  
Requirements:

Follow issues causing problems with the EEC: agriculture, subsidies, national and reciprocal treatment, within the framework of the Uruguay Round.

Proposals and projects regarding debt.

Ministries' studies regarding the main issues of the Uruguay Round: agriculture, services, intellectual property.

Mrs. Carla Hills.  
Basic analysis and positions of the U.S. Treasury [Department] on international monetary problems.

U.S. positions on relations between the EEC and the Eastern countries.

U.S. representatives' instructions at major international meetings (G7, G10, Summits); they are useful; even after the meetings.

Follow bilateral commercial negotiations between the United States and the newly industrialized countries.

Target: International organizations: World Bank, International Monetary Fund.

Priority: 2.  
Requirements:

Follow their general policy.

Proposals and projects regarding debt issues.

Target: SEC.  
Priority: 1.

Requirements:  
Reforms.

#### LIMIT EXCESSIVE RTC BONUSES AND COMPENSATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama [Mr. BACHUS] is recognized for 5 minutes.

Mr. BACHUS of Alabama. Mr. Speaker, scores of columnists and political pundits have criticized the evils of gridlock in Washington. Well, my colleagues on the other side of the aisle and I may disagree on issues some of the time, but there are many instances where we are working together. Here is a perfect example.

Last week, I introduced legislation that will limit the excessive bonuses and compensation



paid to employees of the Resolution Trust Corporation.

This is a bipartisan issue. Every Member of this House has a vital interest in cutting wasteful spending out of the Federal budget. In this case, my bill will not only save the taxpayers millions of dollars; it will also restore fairness.

As taxpayers, each Member of this body and every one of our constituents has paid dearly to clean up our Nation's failed and failing thrifts—to date a total of \$84 billion. We have been asked for another \$42 billion.

My legislation seeks to ensure that, if this funding measure is passed, we will not be spending taxpayer money on \$158,000 employee salaries, \$30,000 bonuses, and 18.2-percent geographical pay differentials. These benefits and high salaries are not available to any other Government employees. The combination of the salaries, bonuses, and geographical pay differentials adds up to a whopping \$216,000 salary in some cases. This is one of the best kept secrets in town.

With that kind of salary, there is no incentive for the RTC to get its job done and close up shop.

Eliminating excessive bonuses and salaries is not a Republican issue or a Democrat issue. It is simply good government. I have several dozen cosponsors from both sides of the aisle.

In fact, in addition to the principal cosponsor of my bill, Mr. BARRETT of Wisconsin, two of my first cosponsors were my friends, the gentleman from Georgia, Mr. DEAL and Mr. JOHNSON, who also happened to be freshman Democrats.

My distinguished colleague, the chairman of the House Administration Committee, Mr. ROSE, was another of my first cosponsors. And perhaps most encouraging to me was the fact that the distinguished dean of the Alabama delegation, Mr. BEVILL, as well as the rest of the Alabama delegation—four Democrats and two Republicans signed on as cosponsors.

Because of that early bipartisan support, the distinguished chairman of the Banking Committee, Mr. GONZALEZ, asked that I work with his staff to incorporate my proposals into the RTC funding bill.

This morning, I discussed this bill with the acting head of the RTC, Roger Altman. At that meeting, Mr. Altman said that the compensation changes in my bill would not hamper the RTC in the completion of its mission.

This week in committee, we will be considering my bill to cut the waste out of the RTC along with the administration's request for an additional \$42 billion to complete the bail out of the savings and loan industry. However, just today, we received information on a GAO report that raised new questions as to the amount of additional RTC funding needed. Regardless of the amount needed, I would argue that my amendment is still necessary to ensure public and congressional support for the resolution process.

I have always known that Alabamians were insightful, but that fact was proven to me further by Mr. W.A. Lewis of Gadsden, AL. When he heard about the RTC bonuses, he said:

The attached news article makes me, as a voter and a taxpayer, sick to my stomach! I hope it has an effect on you to the extent

that you will attempt to do something about it.

Well, Mr. Lewis, I am sick to my stomach, and it did have an effect on me. We should not be paying this type of bill.

Several of my colleagues on both sides of the aisle agree with Mr. Lewis that we need to make our Government more accountable to the taxpayers. Reforming the RTC is just the first step. From there, we can move on to other agencies and other programs which need to be held to the same level of accountability.

I ask my colleagues to join me in the fight against Government waste, and before we authorize one more penny for the savings and loan bail out, let us join together to eliminate the excessive salaries and bonuses at the RTC.

#### AIRPORT AND AIRWAY TRUST FUND INTEGRITY ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. LEWIS] is recognized for 5 minutes.

Mr. LEWIS of Florida. Mr. Speaker, today I will introduce the Airport and Airway Trust Fund Integrity Act of 1993.

This bill will take the \$13 billion aviation trust fund off budget.

It is dishonest to use this money to hide our deficit. It is time to end this game.

Not only does our deficit look smaller, but because the trust fund is on-budget, the money is either being used for purposes which it was not intended, or it is not being used at all.

Airport improvements are not being made and aviation safety is not being improved. All because Congress can not resist the temptation to spend this money in other areas.

Americans who pay extra taxes to fly deserve to know their tax dollars are being used to enhance aviation safety and improve air traffic, not to hide the deficit.

Restore budget honesty, cosponsor the Airport and Airway Trust Fund Integrity Act.

#### PRIVATE SECTOR JOB CREATION AND ECONOMIC GROWTH ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I have taken this special order out this evening to talk about legislation which I have just introduced.

There are many Republicans who over the past couple of weeks have been euphoric over the fact that our colleagues in the Senate were able to engage in a filibuster, utilizing that brilliant device put in place by one of our Founders, Thomas Jefferson, and we prevented the so-called jobs and stimulus bill that had been submitted to us as an important part of the Clinton economic package from being voted on. And it was considered a great victory for Republicans. And we in this

House had a vote, and I was one who vigorously voted against it.

I did so because I am thoroughly convinced that that \$19.6 billion package was filled with pork. Many tried to claim that it was not, but it was, it was filled with items which allowed local governments to build parking garages, swimming pools, things that clearly were not emergency items that needed to be addressed. And there were other things that have been regaled in this House and in the Senate many times, such as fish atlases to be printed, which I referred to as aquatic pork. There were more than a few items in this measure which clearly would not play a role in bringing about a meaningful stimulus to the economy.

I am privileged to be able to represent portions of Los Angeles County here in the Congress. I represent the eastern suburbs of Los Angeles. The county of Los Angeles today has an 11.2-percent unemployment rate. It is very painful. The cuts in the defense and aerospace industry have created a great deal of hardship, and there are many Californians who are hurting. And that is the reason that I am not one who believes that we can simply rejoice because we defeated the pork barrel, make-work job program that was submitted by President Clinton. I have said that we cannot sit back and simply enjoy that victory. We have to come forward with a meaningful piece of legislation which will create long-term jobs in the private market.

So I have introduced H.R. 1885. It is a bill that I have labeled the Private Sector Job Creation and Economic Growth Act of 1993. It is one that is designed to create real, long-term jobs to stimulate private investment and to get at the root of the problem.

□ 1940

It has four basic points to it. One of the first items that has been controversial in the past, but I truly believe, as most economists do, that it will create the level of investment that is needed to stimulate job creation, and that is create a capital-gains differential. We all know that the capital-gains rate today is at 28 percent. The United States of America is the only developed nation in the world without a capital-gains differential.

In the past it has been called a tax cut for the rich, but it is anything but that. A capital-gains differential would allow a retired person who has had some appreciation in the value of their home to take advantage of that with a reduced tax burden, so H.R. 1885 calls for reduction of that 28-percent capital-gains rate down to 15 percent, which can turn things over, get the economy moving, create the kind of investment that is necessary.

H.R. 1885 also calls for a freeze in Federal spending. It basically calls for the 2-percent solution. Over a 5-year period, it would save \$848 billion.

It seems to me that that is the kind of thing the American people want, and it is the kind of signal we need to send to the private financial markets.

The third item is the creation of individual retirement accounts which are greatly expanded. One of the great things that people loved back in the early 1980's was when we, in the one tax bill that I have voted for since I have been here, the Economic Recovery Tax Act, included individual retirement accounts. It was able to provide people with a tax incentive to put dollars aside, to plan for retirement, so they would not be solely dependent on the Social Security System so that they could, in fact, have some incentive to save and plan for retirement.

What did that do? It took those dollars and put them into the long-term financial markets so that money would be there not just for the Federal Government to borrow to pay or service the national debt but for the small-business sector of the economy and others looking to invest and could be out there and create jobs.

The fourth item in H.R. 1885 is a measure which would create an extension of the moratorium, the moratorium on regulations, new regulations to be imposed on the small-business sector of the economy. It lasted for 90 days when it was put into place under the Bush administration. There was very little complaint.

I believe this measure will go a long way toward creating jobs, and I hope very much that my colleagues on both sides of the aisle and President Clinton, who has supported part of this package in the past, will join on board, cosponsor, and support H.R. 1885 to create real private-sector jobs and stimulate this economy.

#### INTRODUCTION OF A BILL TO EXTEND THE PRESIDENT'S FAST-TRACK AUTHORITY FOR PURPOSES OF CONCLUDING THE URUGUAY ROUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing legislation requested by President Clinton and submitted to the Congress on April 27 to extend trade agreement authority for the President to conclude the Uruguay round of GATT multilateral trade negotiations, and to apply the congressional fast-track procedures to Uruguay round implementing legislation. The negotiating authority and fast-track implementing procedures would apply only if the President provides 120 days advance notice to the Congress, by December 15, 1993, of his intention to enter into an Uruguay round agreement, and he enters into the agreement by April 15, 1994. Tariff proclamation authority could be used only upon enactment of Uruguay round implementing legislation. Private sector advisory reports would be submitted to

the Congress no later than 30 days after notification of the President's intent to enter into the agreement.

This legislation to extend fast-track trade agreement authority is essential for the President to be able to conclude the Uruguay round negotiations after more than 7 years of negotiations. Without it, the United States would lose the opportunity to obtain reduction of foreign trade barriers throughout the world and potential significant gains for the U.S. economy. The bill will provide additional time for congressional consultations on the results of the negotiations and provisions of an implementing bill to determine whether the actual results of these negotiations are in the U.S. economic interest.

#### INTRODUCTION OF THE AMERICAN HEALTH SECURITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. McDERMOTT] is recognized for 60 minutes.

Mr. McDERMOTT. Mr. Speaker, we are now engaged in a great debate over what shape reform of our Nation's health care system will take.

Tonight I want to talk about some of the reasons we need national health care reform; to lay out some of the options before us; to explain some of the terms many Americans are hearing for the first time; to outline some of the fundamental goals of any health care reform package; and finally, to discuss the health care reform plan I have authored, and which has been cosponsored by 71 other Members of this body.

Mr. Speaker, Americans are demanding fundamental health care reform because the costs of health insurance and medical care are overwhelming American families and overwhelming the Nation.

Currently, health care costs increase at the rate of 11 percent a year. Every American family has felt the impact of that fact.

The number of days the average American must work just to pay health care expenses has increased from 30 days in 1980 to 44 days in 1991.

Let me repeat that. In 1991, the average American worked 44 days a year just to pay health care expenses.

If our current system is left unchecked, by the year 2002, the average American will work 64 days just to pay health care expenses.

All sides in the health care debate agree that 37 million Americans are without health insurance of any kind today and that another 100,000 lose their health insurance every month.

Another almost 40 million are dangerously underinsured. Both groups are just a single serious accident, a single serious illness, or a single act of God away from a lifetime of financial ruin.

Indeed, inability to pay medical bills is one of the major causes of personal bankruptcy in the United States today.

Most of these people are hard working Americans whose employers provide little or no insurance.

What is more, there is a new economic trend in this country that makes clear that the current system, left unreformed, will only get worse, not better.

Of the 200,000 new jobs created in the last 3 months, the overwhelming majority were part-time jobs.

The vast majority of these part-time jobs offer no health insurance benefits at all.

Even the health reform proposals which would require employers to provide health insurance do not extend that mandate to part-time workers.

If we continue to allow health insurance to be tied to employment; and if we rely on a health reform solution which requires employers to provide insurance; it is clear businesses will just hire more part-time workers, in order to avoid the costs of extending health insurance coverage to full-time workers.

What happens to people who do not have health insurance when they get sick or injured under the present system?

They do not just disappear. They get medical care.

They just get it very expensively in hospital emergency rooms, very inefficiently, and too late, after their minor condition has become a serious illness.

Who pays for this care? Everyone who has private health insurance. The cost of giving care to the uninsured is shifted to the bill of the insured patient.

That is another reason the current system, left unreformed, is not going to fix itself.

As the cost of treating more and more uninsured Americans is shifted to those who do have insurance, premium costs go up even further.

More and more people find themselves priced out of the insurance market as the spiral continues.

Of course the taxpayer also pays for much of this care.

It is not cheaper to have people go without insurance.

It costs all of us more.

The Congressional Budget Office [CBO] found that if we had a national health insurance system in effect in 1991 that covered everyone, we would have reduced—reduced—national health expenditures by about \$14 billion in that year.

We must break the link between health insurance and employment.

Access to health care is a fundamental element of freedom itself, a basic component of what it means to live in a democracy.

It should be a fundamental right of citizenship.

It is clear that a federally financed system of health insurance is: Better for business; better for workers; better



for the economy as a whole; and certainly better for people who need health care, all of us.

On March 3, I introduced the American Health Security Act.

It is a plan to provide health insurance to all Americans: regardless of their current health; regardless of whether they have a preexisting condition; and regardless of where they work or where they live.

It is a singlepayer plan.

That is one of the terms you will be hearing more about as the health care reform debate continues.

It means that the Federal Government provides the insurance to individuals and families.

While the Government provides and guarantees the insurance, the delivery system remains as it is—private.

Individuals would continue to choose their own doctor and continue to choose their own hospital, just as they do now.

Health care providers would continue to work for you—they are not employees of any government or of your insurance company.

The American Health Security Act, H.R. 1200, is a uniquely American proposal designed to meet the diverse needs of the American people.

It recognizes that one of those needs is for people to retain the right to make their own choices about what is best for themselves and for their families.

It provides insurance that is Federally financed, State administered, and privately delivered.

H.R. 1200 is a highly decentralized system.

It rejects the notion that all decisions are best made in Washington, DC.

Under H.R. 1200, There is not one giant bureaucracy controlling health care.

Rather, the States are given tremendous discretion to design their own systems so a State like Nebraska does not get shoe-horned or strait-jacketed into a program that might work great for New York, but be an utter disaster for Nebraska.

This discretion is very real.

States do not have to apply to the Federal Government for permission to do what they need to do.

They are in charge of administering the program within their borders, as long as they meet Federal standards for: Guaranteed coverage to every citizen; cost-containment; allowing people to choose their own health care provider; and assuring an ever-improving quality of care.

So how does it work?

The answer is—very simply.

Every resident is issued an American health security card.

You present the card every time you visit a health care provider or purchase prescription drugs.

Your pharmacist, or doctor, or OHM, or hospital, or whomever you choose,

submits the bill to the State health security board who pays it on your behalf.

That is it.

Nothing in the way you currently seek medical care has to change, unless you want it to.

You do not have to switch physicians or hospitals.

You do not have to figure out which plan your current doctor is joining.

You do not have to choose an HMO or another similar insurance plan and thereby face a decision about whether to leave your current doctor.

You do not have to make decisions about which plan offers you the services and benefits that you are most likely to need in the coming year.

Do you know what medical care you or your family is going to need in the coming year? Would you stake your health insurance on it?

Let us look at managed competition as we have heard it generally discussed for a moment.

Managed competition is another one of those terms many Americans are hearing for the first time in this debate.

I would like to define it for you, tonight, but that's a little difficult to do. You see, it is just a theory.

It has never been tried anywhere in the world. And the theory of what it is, seems to be changing almost daily.

Let me say right up front that we do not yet know what the President's proposal will be.

The early indications have been that his task force is leaning toward a system based on the managed competition theory.

But we do not know that the President has made that decision, or even that the task force will—for certain—recommend a managed competition system to him.

Both look likely.

But we do not know that.

So let me talk about managed competition in general terms.

I will reserve comment on the President's proposal until after we see it.

Under the managed competition theory, most Americans would get their health insurance from an entity known as a health insurance purchasing cooperative—a HIPC.

Insurance companies would compete to provide the lowest cost plan. Most of these plans would be forms of HMO's.

In fact, the only way to assure that any plans allowing Americans to choose their own health care provider are offered at all under managed competition would be to require by law that the HIPC make available at least one version of its plan which allows an individual to make that choice.

So the HIPC's offer a variety of mostly HMO plans. Under the managed competition theory, your employer will then be required to contribute a percentage of the premium to enroll you,

and you alone—not your spouse, not your family—in the lowest cost HMO.

You pay the remaining part of the premium. Your employer may choose to pay additional premiums to enroll you in a better HMO or your employer may not.

You may choose to enroll in a better HMO or a free choice plan but you will be responsible for the entire difference in the premium.

And in selecting the plan you want, whether its the lowest cost HMO or not, you will still have to figure out: What your premium will be; how your copayments are calculated; whether your ultimate exposure is capped at a level you can afford; whether the services offered and the range of hospitals and specialists are consistent with what you expect your health status to be in the coming year; and where your current doctor or your children's doctor, or your obstetrician is likely to be.

There are other things to figure out, but you get the idea, I think from this partial list.

Suppose you are in the lowest cost plan because that is what your employer offers. You can't afford the higher premiums of a better plan, especially when you have to add in the additional cost of paying for your family's coverage too.

So you are in the lowest cost plan—for this year.

But next year, a different plan is the lowest cost plan. So you have to change plans.

That means you also may change doctors.

Under the managed competition system, when you change plans, you change doctors because your doctor no longer works for you, he or she now works for the plan.

The third year, let us say a different plan is the lowest cost plan. So you change plans and doctors again.

Suppose you have a job where your employer is willing to pay an additional premium for extra benefits.

What happens when you change jobs?

You lose those extra benefits, get bounced down to the minimum benefit package set up for unemployed and poor people, and you change doctors again.

Suppose your employer supports a better HMO for you but does not provide family coverage.

Then you are in one HMO and your family is in the lowest cost HMO, which is the only one that is subsidized to enable uninsured unemployed people to buy into an insurance pool.

Why is there all this instability and upheaval? Because managed competition is a system based on competition for price, not quality.

The only plan that would get the maximum employer subsidy would be the lowest cost plan. So all the plans will compete to be the lowest cost plan.

The constant shifting of plans and physicians that patients will be forced

to do is not just probable, it is guaranteed.

Mr. Speaker, I have to ask the question: Do we really need to go through all this confusion and upheaval for a theory that has never been tested anywhere?

There is nowhere on the face of the Earth that we can point to as an example of where this has worked to guarantee universal coverage and to contain costs.

And certainly there is no argument other than one based entirely on blind hope and wishful thinking that says this approach will improve the quality of care or even allow continuity of care.

The American people, both privately and publicly now spend \$950 billion a year on health care.

There is no evidence that the managed competition theory, as it is generally understood, can be successfully applied to an entire nation's health care delivery system.

None of this confusion and disruption is required under a singlepayer system.

Your health insurance coverage is not tied to your employer.

Your doctor is not tied to your plan.

Families can get their insurance coverage together and their care from the same provider.

If you lose your job or change jobs; get married or gets divorced; have a baby or learn your kids need a specialist for a catastrophic or chronic problem; or if grandma comes to live with you, your health insurance coverage and your access to health care does not change.

There is no question that a singlepayer plan will provide the best health care to the most people.

It will bring continuity and stability, and the ability to plan to a system currently racked by fragmentation.

It will bring the American people the security we need in planning our children's futures, and our own.

The question is: Can we afford it?

The answer is: It is the only system we can afford.

The singlepayer system is the only health care system which the Congressional Budget Office has already reviewed and concluded will yield billions in administrative—paperwork—savings.

In fact, various estimates say a singlepayer system could save from \$52 to \$100 billion a year on paperwork alone.

The waste created by our current patchwork of private insurance is obvious when you compare the administrative costs of private and public insurance programs.

In addition to administrative savings, the singlepayer system has verifiable cost containment.

The Federal Government defines the benefit package and provides most of the money to pay for them.

The States then design a program to administer the delivery of those benefits within their own borders.

The quality improvement provisions are perhaps the best feature of the bill. For I firmly believe that health care reform must never—never—compromise the quality of health care that is the hallmark of American medicine.

How does H.R. 1200 improve the quality of medicine?

First, it eliminates the interference between doctor and patient by insurance companies second guessing medical decisions.

We believe when someone is sick and needs to go to the hospital, they ought to call their doctor, not their insurance company.

So it does away with all those precertification reviews.

Under H.R. 1200, you would no longer have to call your insurance company—which knows nothing of the individual case at hand—to get permission to go into the hospital or to stay in the hospital for a night after surgery.

These policies have had disastrous effects on the quality of care and have not worked to control costs.

In fact, they have added costs because you need another layer of bureaucracy just to handle those certifications.

It replaces that interference with a system of broad review of the way all doctors practice medicine.

This will improve the quality of care Americans receive over what we have today.

So, Mr. Speaker, how does the singlepayer system apply to the average American?

Suppose that you are an employee who has worked 15 years for a major company and you have been laid off, maybe for 6 months or a year, and your wife or husband stays at home to raise the family or has a part-time job that does not offer health insurance.

What happens under a singlepayer plan if your child breaks a leg during those 6 months?

The answer is: You get your child's leg fixed and your health insurance—insurance you have as a right of citizenship—pays for it.

The answer is: When you were laid off or lost your job, your health insurance did not change, because it is no longer tied to employment and does not rely on your employer to provide it.

So you can go to the doctor and get that leg fixed without worrying about it. And the hospital and doctor can treat you without worrying about how to get some other part of the system to pay your bill.

What if you are getting a divorce or your spouse dies and your health insurance always came from your spouse's employment?

Do you lose your health insurance, too?

Under the current system you often do. But under the singlepayer plan, the

answer is no because your insurance now comes from the Government. The availability of that insurance does not change if your personal situation changes.

The singlepayer plan, H.R. 1200, is also the best plan for American businesses and workers.

Businesses can make hiring decisions on the basis of what makes their business most productive, not on the basis of what they have to do to avoid incurring even greater health insurance costs.

Workers will be freed from job lock where they cannot change jobs because of the certain knowledge that if they do, they'll never get health insurance again because of a preexisting condition.

The private economy will gain tremendously from a singlepayer approach.

Mr. Speaker, the advantages of a singlepayer plan like H.R. 1200, I think are obvious.

But I know the President is preparing his own plan and I know some other Members of this body also have their own plan.

So tomorrow night I have asked for time to outline and discuss 12 basic criteria I think my colleagues will find helpful in evaluating any plan, no matter what its source.

I will identify some of the basic problems any health care reform package must solve.

If a given plan does not meet these standards, it ought to be refined or rejected.

And to those who doubt the ability of our people to absorb fundamental change on such a basic issue, I say this:

We are Americans.

Surely we do not need to gamble on a highly disruptive system that virtually guarantees administrative confusion and significant administrative costs.

Surely we can design a system that includes the lessons learned from real experience.

Surely we can design a system that brings people the security, the simplicity and the predictability we deserve while serving the values we cherish.

A singlepayer plan such as the American Health Security Act is what this Nation needs for the 21st century.

We should not allow ourselves to be diverted from what we need on the excuse that we are not ready.

We are Americans and we are ready.

□ 2000

Ms. FURSE. Mr. Speaker, will the gentleman from Washington yield?

Mr. McDERMOTT. It is my pleasure to yield to the gentlewoman from Oregon.

Ms. FURSE. Mr. Speaker, I thank the gentleman for yielding to me and giving me the opportunity to speak tonight about this critical issue. I want



to take a moment to thank my friend, Mr. McDERMOTT, who is also from the Pacific Northwest for his leadership on this issue, as well as Chairman CONYERS. I am proud to be a cosponsor of H.R. 1200, the American Health Security Act, which I believe is the best health plan for America. Health care reform is one of the most important issues that this body will encounter this century, and these two gentlemen deserve credit for their hard work.

The path our Nation chooses in health care directly affects every American. The theme of change permeated virtually every issue in my campaign, and health care was no exception. Health care reform—real health care reform, real change—is the single-payer model. One of the things the American people said last fall was that business as usual should no longer be our business. It is clear to me that “managed competition” is a code phrase for maintaining the status quo. In my estimation the current system amounts to managed competition, and not managed well.

The national situation is tragic. While I am very concerned with health care as it affects all Americans, let me talk for a moment about the situation in my home State of Oregon. To say that skyrocketing costs are cutting deeply into the hard-earned wages and savings of Oregonians is an understatement. Last year in Portland, OR, the average family—even if every person in it was healthy—paid almost \$3,900 for an individually purchased health insurance plan. Almost \$4,000. In 1980, that same family would have paid \$1,400. If we continue on our present course, by the year 2000 that same family will spend almost \$9,000 annually for health care. The sad fact is that the increase in costs has actually come with a reduction in service. Families are paying more and more for less and less health coverage.

During the last 10 years, the average Oregonian family's health payment rose 350 percent faster than its wages. 350 percent. Where does this money come from? It comes at the expense of something else in family budgets: the rent or mortgage payment, savings for college, braces for the kids, even Christmas presents. For many people, though, the choices are even harder. In many cases it is “will I and my family eat right, or will we have health coverage?” For many older Americans, and I read their letters every week, it is “will I eat this week or fill my prescription?”

My friends, I say to you tonight, we must not force the American people to have to ask and answer questions like that. We have the chance to stop the wage-and-savings-consuming monster that health care costs have become. It is estimated that 673,000 Oregonians will have no health insurance at some point in 1993. Our real test as legisla-

tors will be to look at the families in your district and say “We’ve done the very best we can to give you the best health plan with the best cost containment and the highest quality of care.” I would suggest that if every Member of this body does their homework, examines all the options available, the single-payer system is the only viable option for real change.

Let me explain for a moment one of the reasons why I believe the single-payer system is the best system for America: It eliminates the interference between the doctor and the patient, and the paper burden doctors have to bear. Providers complain about the unneeded tests they must run for insurance companies, about malpractice insurance, and about paperwork. A single-payer system would standardize forms so that physicians and patients would no longer have to deal with an elaborate maze of forms. No longer would 23 cents of every dollar paid for health coverage go to billing and administration. Physicians would be able to spend less time dealing with all the paperwork and more time practicing medicine. Unnecessary tests and treatment demanded by insurance companies cost our health care system \$125 billion a year, \$125 billion that could provide health care in rural areas or vaccination for all our children. In short, the single-payer system would eliminate the interference and second-guessing between providers and their patients. Doctors—and I remind anyone listening that a single-payer system means everyone can choose to see whatever doctor they please—would be free to do what they do best: Practice medicine.

I want to emphasize that I am a proud cosponsor of H.R. 1200, the American Health Security Act, introduced by my good friend from Washington, Mr. McDERMOTT. His bill is the only bill that would address all these issues in an American single-payer system. It provides comprehensive coverage of all inpatient and outpatient services for everyone, effectively control costs, emphasizes preventive and primary care, and does so while ensuring that most American families actually pay less. We have the opportunity now to do what the American people are calling for: real change. As I said earlier tonight, I hope all 109 of my freshman class, as well as the rest of my colleagues on both sides of the aisle, study the options available and support the single-payer system, and cosponsor H.R. 1200, the American Health Security Act. It is the only health care reform that means real change.

I thank the gentleman for giving me this time tonight, but let me ask him one thing. There has been so much discussion and misinformation regarding what exactly is a single-payer system, so I ask my friend as clearly as it has been asked to me: “Is the single-payer

system socialized medicine, and how does it affect the private delivery system?”

□ 2010

Mr. McDERMOTT. Mr. Speaker, I think that is a very common question, and I appreciate the gentlewoman from Oregon [Ms. FURSE] for asking it.

It is not socialized medicine. It is a government financing system of insurance, but the difference is health care is done by private doctors, private hospitals. We are not changing anything in the way health care is delivered in this country. We are simply giving people security, that they know that they have health insurance financing. That is a significant difference.

It is not like Great Britain where the doctors are employed by the Government or the hospitals are government hospitals. This is still the American system, and that is why we put the word “American” in the title.

Ms. FURSE. I thank the gentleman for his comments and think he made a very good point. Let me tell the American people that I have lived in two countries which have a single-payer system: Canada and Britain. Let me say without equivocation that the stories about waiting lines and people expiring while they are waiting for procedures is utter and complete nonsense. The people who oppose a single-payer system have tried to conjure up images of crowded, dirty waiting rooms run by quack doctors. Nothing could be further from the truth. English and Canadian, and German health care is excellent and it is humane. There is no reason we cannot do the same in America. We must take the assets of our current system, adopt them wisely to the single-payer model, and finally resolve this issue for the American people. I think the gentleman's bill, the American Health Security Act, does that, and that is why I am proud to cosponsor it and join him in this debate tonight.

I know there are other speakers tonight, so I thank he gentleman.

Mr. HINCHEY. Mr. Speaker, will the gentleman yield for a question or two?

Mr. McDERMOTT. Sure.

Mr. HINCHEY. Mr. Speaker, first of all I want to thank the gentleman from Washington [Mr. McDERMOTT] very much for introducing this plan, and bringing it before the Congress and the American people, and for giving us an opportunity to discuss it here this evening, and also, for those who, like myself, see the benefits in the this plan, I join him in sponsoring it.

There are a number of things that concern people that I represent about our current system and also about some of the proposals that have been put forward to deal with health care in the United States, and I just would like to ask a couple of questions about those if I may.

Mr. McDERMOTT. Sure.

Mr. HINCHEY. Mr. Speaker, one of the things involves paperwork. People that I have spoken to feel that in many cases they are overwhelmed with paperwork, and that includes both patients and physicians, and they see that this paperwork is duplicative in the system, and it is, in fact, costing probably, they feel, large amounts of money. I think we can assure them that in all certainty it is costing large amounts of money.

Mr. McDERMOTT. The General Accounting Office last year did a study which said that somewhere around \$65 billion a year could be saved if we went to a single-payer system. We would get rid of all the various paperwork forms, all the sending back and forth between patients. When someone gives somebody a card like this, and the doctor takes it, and then he sends it to the health authority, and he gets his money, we have absolutely ruled out or gotten rid of all the administrative costs. That is why in the Canadian Provinces they spend less than 1 percent of the health care dollar on administration.

That is the difference by getting rid of all the paperwork.

Mr. HINCHEY. In the case of senior citizens who are covered by Medicare and who may still be covered by another plan, perhaps one that is provided to them from their previous employment now that they are retired, frequently they run into a situation where, because of the language that is presented to them in their old plan, the plan under which they are retired or the language in the forms, there is an extraordinary amount of confusion as to whether or not they are covered for a particular illness, or accident, or event, and, if they are, who covers them and under what circumstances they may or may not be covered.

Can the gentleman deal with that question? Will the single-payer approach clear that up?

Mr. McDERMOTT. In the single-payer plan when one goes to a physician, and he or she says, "You need this or that treatment, or this or that reason for hospitalization, or this or that medication," that is where the decision is made. It is not made by some insurance company that says they do not cover that or that the patient will have to pay for it out of their own pocket. It will all be paid under the national health plan.

That is the real beauty of it, is that the doctor can make the decision for the patient without having to check with some insurance company about whether it is necessary or not.

Mr. HINCHEY. Also there exists within the present system, and some are concerned that it would continue to exist under the so-called managed competition system, opportunities for fraud. We have seen instances where

people have experienced double billing, even triple billing or quadruple billing, for particular incidents or illnesses for which they may have been covered or for which they have visited a physician or, in some cases, a hospital or an emergency room of a hospital.

Can the gentleman deal with that particular condition? Will the problem of double billing, the problem of fraudulent practices that allegedly exist within the present system, be dealt with adequately within this single-payer system?

Mr. McDERMOTT. There is no question. We put it in the bill, and we know how to make that work. We know, because, if you are gathering data from all kinds of physicians, you will begin to pick that kind of thing up. Right now part of our problem is we do not have a data base. One part of the bill that I did not talk about was the establishment of a data base so we can actually see what kind of practice each physician has, and we would be able to pick up those kinds of things in that process.

Mr. HINCHEY. Finally, Mr. Speaker, let me ask the question about choice.

People are concerned as to whether or not they will actually be able and be free to choose their own physician. They are concerned that a plan may dictate to them who they have to go to under certain circumstances.

Mr. McDERMOTT. The thing is a physician, when I looked at this whole thing, it seemed to me the most crucial thing was not to break the doctor-patient relationship with any kind of financing arrangement you put together. So, we took very careful account to make sure that people would have a freedom of choice of which doctor or which kind of provider they want to go to. I do not think you can design a truly American system and take away people's right to choose the physician that they want to see, and we made very explicit in this bill that people would have that right.

Mr. HINCHEY. I thank the gentleman, and I appreciate the opportunity to discuss this issue with him, and I appreciate the value of the plan.

Mr. McDERMOTT. I say to the gentleman, "I thank you for your support."

I yield to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I am honored to be here as 1 of the 72 cosponsors of the American Health Securities Act, and I thank the gentleman from Washington for inviting me to participate. I believe that this single-payer bill reflects the key principles for a workable, affordable, and accessible national health care plan for which Americans have waited much too long. These principles are universal access regardless of employment status, income, age, health status, or place of residence; freedom for consumers to

choose their own health care providers; and comprehensive benefits.

One of the biggest concerns expressed by my constituents, however, is that any national health care reform will lead to rationing or denial of specific procedures and may also lead to the denial of certain necessary health benefit packages like mental health and substance abuse treatment benefits. How is this addressed in your bill?

□ 2020

I would ask the gentleman how this is addressed in his bill?

Mr. McDERMOTT. We put into the bill a guarantee of benefits. The Federal Government will guarantee those benefits for every American. We put in mental health because, as a psychiatrist, I knew the necessity of having that as a part of any truly comprehensive health care plan. Substance abuse and alcohol treatment are also inside the bill.

So we made sure that people would have a guarantee, an absolute guarantee, that they would receive the services that we put in the law.

Mr. OLIVER. Mr. Speaker, if the gentleman would yield, first of all I would like to commend again, as others have, the gentleman from Washington [Mr. McDERMOTT] for his leadership on this legislation. I am proud to be a sponsor of the Health Security Act for 1993, this year, as I was last year under the prime sponsorship of the then distinguished gentleman from Illinois, Mr. Russo. So I am very pleased that the gentleman has taken up the cudgel to take on this job of sponsoring and promoting and advocating for the single-payer system, which I believe is the best kind of system.

Mr. Speaker, I want to return for a minute to something that the gentleman from New York had earlier commented about. I have held a series of forums, actually quite a few town meetings in my district, both last year and again this year, on the issue of health care. One of the key driving forces that has been driving this debate on health care reform is the whole issue of administration, the overburden of administration that was addressed there.

As I get around to people, I find that people who provide health care, the people who are out there on the front lines really trying to provide the best health care they can, like visiting nurses or people in the Home Care Corporation or people in the hospitals, the nurses and doctors, or people in group practices, and the gentleman from Washington [Mr. McDERMOTT] is an M.D., people in the group practices who are telling me that they now over a period of 10 to 15 years have had to add more administrative people to take care of the billing and the eligibility determinations and the rebillings and all of the paperwork that goes with it.



I am curious, the gentleman as a doctor, I would assume, would confirm what I hear is that they are finding they have to have more people actually doing that paperwork than there are people doing the health care provisions they are trained to do, that they want to do, that they take an oath to do, and desperately want to do for the people they serve.

Mr. McDERMOTT. The administrative burden in this county in terms of paperwork is created by us having 1,500 different insurance companies. When I was a physician, I had a woman that had to deal with 20 different forms. She had to know how to fill all these different forms out. If you made any mistakes, it would come back. There was a constant flow of mail.

That is what really leads to these kinds of administrative costs, because the paper shuffle in part is done so that they can hold on to the money at the insurance company. They do not want to pay and they fight you. So all physicians get caught up.

There was actually a television study done in Seattle comparing a rural hospital in Washington State with one Canadian hospital. The Canadian hospital over in Vancouver had 1 billing person; a similar hospital in Washington had 14 people. That kind of employment in terms of paper shuffling is what drives up the cost and why a single-payer system just simply wipes that out. That is one of the beauties of a single-payer system.

Mr. OLVER. I think I should say, if I remember correctly here, that the studies have shown somewhere between \$50 and \$100 billion in expenses on this. The cost for the whole system for 1992 had been somewhere around \$800 billion, and it is going up for this coming year, but somewhere around \$800 billion. That is between 6 and 12 percent of the whole cost of health care, when 15 percent of our population had no health insurance at all.

If we could just strip that administrative cost out we would be headed a long way toward being able to provide the health care for people who do not presently have health insurance at all, it seems to me. It is a percentage that we can hardly afford to have built into the system.

Mr. McDERMOTT. One of the things I talked about a little earlier was we asked the Congressional Budget Office to take the figures from 1991. We have actual numbers for 1991.

If we had had a single-payer system like Medicare for all people in this country, we would have actually saved \$14 billion in 1991. It is unbelievable that we have continued with this inefficient system and left all these people uncovered.

If we had had the money that we presently are spending, somewhere over \$50 billion, we could buy insurance for those people who are presently uncovered in this country.

Mr. OLVER. I started out asking about what I consider to be one of the key driving forces, and that is the need on the part of professionals in the field of health care provision to be able to actually provide health care, rather than spending so much of their time, their own valuable time, and also have to have employed so many people in that administration.

The other key driving force is clearly the rise in the cost of health care over a period of time and how one contains that cost.

I would like to ask the gentleman, how is the gentleman able to verify the cost containment in the single-payer plan? How do we make certain we are going to get that out of the system, to make certain that the plan achieves that cost containment that is so important if we are going to be able to provide health care for all the people who do need health care and health insurance who presently do not have it, or are underinsured?

Mr. McDERMOTT. The basic mechanism in this bill is a system of global budgets. That is, the Federal Government will set a global budget for the United States.

Let us say we take what we spent this year, \$950 billion. My State of Washington is about 2 percent of the population, so they would get 2 percent of \$950 billion.

About \$19 billion would be given to the Governor and the State legislature to provide health care for all the people in the State of Washington. They would design the system, how it was delivered.

Mr. OLVER. This would be done on a State-by-State basis?

Mr. McDERMOTT. Yes. Because we felt that doing it from Washington, DC, would make a great big bureaucracy. It would be a long way from the people. What worked in Vermont or Massachusetts might not work in South Dakota or Nevada or Washington State. So we wanted each State to design their own system of how they actually administered, much like the Canadians do.

The Canadian administration is done province by province. It is not done in the capital. It is done at the local level because people want it close.

In that kind of system they would have to live within the money that the Federal Government gave them and provide the benefits that the Federal Government set out in the benefit package.

Mr. OLVER. I think it is all well and good to talk about global budgeting in that kind of a way. But in the whole issue of cost containment, cost control, we have heard that in 1992 we expended \$800 billion in all of health care. For 1993, the year we are presently in, at the rate of rise, which, by the way, has been two or three times the inflation rate, usually averaging about three times the inflation rate, year after

year for a 10- or 15-year period now, that it has been hurting every family and taking more and more money out of the pockets of every family.

□ 2030

We hear those numbers. We hear the concept that it has now reached 14 percent of our gross national product and that that has a real problem competitively. But I think it really comes down to individual people, in a sense, because if you talk with elders, in the forums that I have had, which elders have time and time again, coming up and laying out for me the fact that their drugs, their prescription has doubled for common things, not quite aspirin, but very common things.

I am a chemist, as you are a doctor. I know that the common kinds of prescriptions that are many years old do not go up in price by doubling every year, and people come in with their receipts showing how the cost of those items has gone up. Or they will tell me their income under the present circumstances, their income has gone up a very little bit because the value of certificates of deposit for people on fixed income, the interest on their savings is now down to a much lower level. And the out-of-pocket cost increase, just on the increase in the copayments they have to make on Medicare or on the gap, or on the gap insurance that they have in the present system, the out-of-pocket cost increase in dollars, in actual number of dollars, is greater than the increase that they have in income in the course of a year.

And so for elders, who represent 12 to 15 percent of our total population, living on relatively fixed incomes, they are being squeezed on everything else, on their food, on their shelter and everything else that they want, they want and need to do because of the cost of the health care going up.

And for people who are out working in industry, you have people who work for a living for a company that is trying desperately to provide health care, as they have been doing for many years, and are now finding the competitive situation in a world market has changed.

The first thing you go into is the negotiation about cutting the health care benefits, either in terms of the coverages or in terms of increasing the percentage of copayment that the worker and the worker's family must take up.

And so it comes right down, this issue of cost containment, comes beyond those, beyond the global budgeting, and beyond that growth in the percentage of the gross national product that is now giving us a cost of health insurance per person, per capita that is 50 percent higher, nearly, than the next highest country in the world, a country that has the single payer and uses the single payer system very well. And this

is a tremendous driving force, when it gets right down to the budgets of each and every individual, and every family, and every business that is trying to provide that care.

So the issue for people of that cost containment and how you make certain that that cost containment is real, I think, is something that if you would like to add something further to that, I would be happy to have you do it.

Mr. McDERMOTT. I think you have really outlined the basis of the real thing that is driving this.

Most people realize they are one paycheck away from having no insurance. And they are worried that the cost is going to be beyond their employer's ability to give it to them. And when you look across the world, the United States is spending 40 percent more than any other country in the world. And we do not cover everybody in this country.

It is absolutely possible, with a single-payer system, which is used in every other industrialized country in the world except South Africa, it is used everywhere. And it controls costs. And you can see it.

The problem with managed competition is it has never been tried anywhere. But we know from what people have done with the single-payer system, that it is possible to cover everyone and control costs.

You have to do both things, and I think that is why the single-payer system is really the best answer for the American people.

Mr. OLIVER. Mr. Speaker, I believe that, too.

I appreciate your leadership, as I have said, on that. As I go to the forums that I have conducted and the town meetings, the real driving forces are the administrative costs, as I indicated, and that is an enormous driving force, not only on the part of the people who want to provide good care but also for everybody who understands that that paperwork has just gotten so huge. And then this issue of the actual out-of-pocket costs, the rate of rise in cost for virtually everybody in the electorate as a whole.

But perhaps most driving of all those forces is the desire, as people have already talked with you about it, of making certain that they are secure in their health insurance. They want to be able to move, if they need to, geography change, the family status change, the work status change, lose a job, take a new job in an economy such as ours, they want to be secure in knowing that their health insurance is there.

I really believe that the single-payer system provides the most equitable access and security and provides the best chance of containment of the costs, the costs that have been driving so much of the debate lately.

I know that in my district, families and small businesses and senior citi-

zens that are struggling to make ends meet are really begging for that kind of affordable, affordability. They want their health care secured at a price that they can afford, something that is not driving the family budget down the drain, essentially, and putting pressure at every level on other things that they want to do, educating the kids, providing opportunity for themselves and their children, and making certain that they have the money that is necessary to be able to do other necessities of life, as this health care cost continues to rise so much.

So that is really why I stress particularly the cost of the care and how we contain that, how we get control of that, by the methods that I believe are going to be best done through the single-payer system that you have cosponsored and that I am so proud to be able to join with more than 70 other of my colleagues, men and women, new and old, young and old, as well, from all parts of this country, who are in the forefront, I think, of moving toward a national health care plan.

We are so close to that. We are within that much of getting this year with a national health care plan. Anything would be better than the system that we presently have, which no rational person, starting from scratch, no rational person would create the system that we presently have, with all those different public plans that pigeonhole people, put them into different kinds of boxes with different health plans at different ages and different statuses.

There is a lot of disequity in that. It is just an unreasonable system. And then the thousands of private plans that are there that are competing on benefits, rather than on quality and cost, which are the ways that the competition ought to really function. So I appreciate very much what you are doing and appreciate your giving me the time to talk about these issues with you tonight.

Mr. McDERMOTT. I appreciate your support.

Mr. Speaker, I yield to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, I, too, appreciate very much the gentleman's providing the opportunity for this rather thorough discussion of a single-payer plan.

I visited Canada for 3 days with the Committee on Government Operations, and I was very much impressed with the Canadian single-payer system.

I was also impressed with the way the people in Canada feel about that system. They have had it for more than 20 years, and it has had plenty of time, if there was something wrong with it, to alienate people.

But they tell me that the one thing you cannot tamper with in Canada and expect to be reelected is the health care system. And if the Government tried to take it away completely, that

you would have blood flowing in the streets. People would not tolerate it. They feel that strongly about the health care system.

So the single-payer plan, in so many ways, is so obviously superior to anything being proposed, and cost is the most important one, the fact that the Canadians are able to provide health care to every citizen and provide it at a cost which is one-half the amount of money that we are paying per person for health care in this country is astounding.

It ought to be enough for us to take a very close look at it as priority No. 1 and make the effort, it seems to me, to replicate it.

□ 2040

As I said before, it is not one single administrative system. Every province has its own administrative setup. We would have 50 administrative setups with each one of the States, giving it enough flexibility for improvisation and custom fashioning, fashioning for the particular needs of a particular area.

It is a very good plan, but even that good plan has some problems. If they would work out some of the obvious problems with respect to costs they would probably be able to save even more money and provide care for a person at even lower cost.

They do not have an extensive system of nursing homes and adult homes, a home care system for the elderly. They don't have that. Everybody goes to the hospital, so there are senior citizens in the hospital who really need minimum attention, but they are at a hospital, and the rate for the hospital cost is the same for them as it is for people who need major care.

They recognize that they have problems in their system, and will be ironing out some of these problems to improve or to lower the level of costs.

When they do that, of course, they are going to be able to provide the same care at much cheaper rates, so it is the system that we ought to look to to try to replicate. It also is in a nation which is as much like America as we are ever going to get.

Canada is as much like America, culture-wise, very much like this country. Even without the free-trade agreement, the intermixture of cultures was there very heavily.

Why not try a single-payer plan? Why not? I am 99 percent in favor of it at this point. I have one or two questions. Of course, anything as big as the implementation of a national health care system in a nation as big as ours will be a process. We will spend years perfecting it. The Canadians have been at it more than 20 years and theirs is not perfect, so we would expect to go on for a long time to perfect it.

Some people worry, however, about the largeness. A single-payer plan



means that we know it is the Government that is totally in charge, although there are a lot of variations we find in the Canadian system. People have insurance on the side. There are a number of things that we don't talk about that much, but basically the Government is in the driver's seat.

People worry about what does the patient as a consumer—what are their rights, what recourse do they have? When people have a problem with Social Security and we say, "See your Congressman," they are all so frustrated. They either go to the Social Security office and have a problem there, or the next appeal is to their Congressman. There is nothing in between.

Is a patient complaint mechanism for the single payer plan going to be that cold and impersonal? If a person has a problem, will they have to go to their Congressman to get it straightened out, or can we have some mechanisms built in to assist them so that the patient can have some system by which a complaint can be filed, a grievance can be registered, and in some reasonable length of time they can get a response?

Do we have to build something else into the legislation? I am a cosponsor of the legislation, but that does not mean that we cannot make some improvements. Do we have something there?

I am from New York. We have health improvement, the health improvement plan, HIP. It is a group plan that was in existence when I moved to New York some 30 years ago. Everybody was enthusiastic about it. It was the best thing that ever happened.

Now, 30 years later, I get a lot of complaints, because the system has grown so big that they talk about the A centers and the B centers and the C centers, and "Do not go to that particular center, because that is for low-income people, it is awful; do not try to get some satisfaction in this system, because people are pretty arrogant," and everybody is angry because they cannot find a way to deal with the system, it is so large.

#### INTRODUCTION OF THE AMERICAN HEALTH SECURITY ACT

The SPEAKER pro tempore (Mr. ANDREWS of New Jersey). Under a previous order of the House, the gentlewoman from California [Ms. WOOLSEY] is recognized for 60 minutes.

Ms. WOOLSEY. Mr. Speaker, I yield to the gentleman from New York.

Mr. OWENS. Mr. Speaker, I apologize for taking so long to get to my question, but I wanted to sing the praises of the single-payer system first.

Under a single-payer system, what would be the different means by which constituents would be able to have their grievances addressed? Have we dealt with that enough?

Mr. McDERMOTT. Mr. Speaker, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentleman from Washington.

Mr. McDERMOTT. Mr. Speaker, there are a couple of mechanisms by which people would be able to have their problems addressed. One is through the actual delivery system that they are in. Say they are in an HMO. There is obviously a complaint system, a method there.

Let us say a State designed its own system, let us say the State of New York or the State of Kentucky or whoever. They would develop a complaint system that is required. It is required in the law that they would have to have a system by which people could complain if they did not think they were getting the care that they were entitled to under the Federal law.

We believe that the States would want to give that care, but we know that sometimes there are situations that develop where we need a mechanism for people to come and be able to get their complaints heard. The gentleman mentioned Social Security. One of the problems of Social Security is, it has gotten all the way, and everything is in Baltimore, and everything is done by long distance telephones.

We wanted to avoid that. That is one of the reasons we put the administration down at State level, and in fact, they could—the State of New York, for instance, could be more than one area. We could have the New York City area and the upstate New York actually in Ontario. Ontario is split in two pieces because the Canadians decided they wanted to have it down close to the people, and therefore they wanted to be in a smaller administrative area.

I think that the States would design a system, and the people would demand that they are going to get their services and that they have a complaint system that would work. I think it is absolutely possible to do that.

Mr. OWENS. I think that we cannot stress too much the need to have it mandated in some way. New York State has a good record, we have a patient bill of rights, we have a mechanism for patients to go beyond the HMO's. I am not sure all States have that. In fact, I am pretty sure that the majority do not.

I think at this level we are going to have to mandate that they have a clearly articulated patient grievance or patient complaint system, partially due to the fact that the size of it, and we don't want to apologize for it, because that is going to be where the savings are, but we need something to offset that tremendous size.

Mr. McDERMOTT. That is a very good suggestion, and we may work—I would be glad to work with the gentleman in terms of refining an amendment to the bill that would make it very clear that there is a way for people to get their grievances settled in the system.

Mr. OWENS. Mr. Speaker, I look forward to working with the gentleman on that. I spent 6 years as the head of a community action program, so I am addicted to citizen participation. I would love to help work that out in the bill.

Mr. McDERMOTT. They always work better when the citizens are involved in it.

Ms. WOOLSEY. Mr. Speaker, may I ask my colleague, the gentleman from Washington, to stay in the well? We have a lot of questions for the gentleman still.

Ms. VELAZQUEZ. Mr. Speaker, will the gentlewoman yield?

Ms. WOOLSEY. I yield to my friend, the gentlewoman from New York.

Ms. VELAZQUEZ. Mr. Speaker, I, too, want to thank the gentleman from Washington for introducing the American Health Care Security Act. I am proud to be one of the original cosponsors of H.R. 1200, and I look forward to the day when this bill becomes law.

I would like to take a moment to share with you a story that illustrates both the dire need for health care reform and also that a single-payer system is the only way all Americans will be able to have access to health care.

A few years ago a hospital in the South Bronx in New York City had to shut down because administrators could not make the payments necessary to keep it functional and open to receive patients. Many of the people who came to the hospital were poor and could not afford the medical care they received, and many used the emergency room for their basic health care needs. As a result, this and many hospitals in our cities had to eat these costs. Some hospitals are able to scrape up the funds to pay these excessive costs; others, like the one in the South Bronx and perhaps some, in my own district, are forced to shut their doors.

Who are the people using the emergency rooms for services that could be given by a primary care physician? Many of these people are Latinos, many of whom are working poor who have jobs but do not receive health care benefits. Many of the illnesses from which Latinos suffer can be avoided through simple, basic access to primary care. The only way to provide universal coverage and universal access for Latinos and all minorities, as well as for all people who do not have health benefits, is to develop a single-payer system that would provide the same coverage to everyone, regardless of their employment status. Such a system is embodied in the American Health Security Act.

H.R. 1200 would also be the safety net that provides coverage for the medically underserved. It is the best remedy for my district because it treats everyone, the rich and the poor, as equals in their pursuit of their fundamental

right to receive preventive health care treatment. The single-payer approach means equal access, equal coverage, and would help to bring this Nation one step closer to parity.

I want to ask the gentleman a question. The single-payer system is designed to improve the quality of and access to health care services for medically underserved areas, especially for minority communities in our cities, through the use of community health centers. How can we guarantee that the people of these communities have access to private doctors and specialists, and that they will not be forced to use the community health centers?

□ 2050

Mr. McDERMOTT. First of all, by giving everybody in society an American health security card you give them access to any situation in the health delivery system. That is the first thing, you make everybody equal by having that card in their hand.

The second thing is that you make it possible for physicians to practice in underserved areas of the country by some provisions we put in the bill in terms of a National Health Service Corps, making it possible for people to go out and work in those areas.

One of the problems today for medical students is that when they come out of medical school some of them are so heavily in debt that to go into an underserved area or even a rural area of the country is just not financially feasible. So we put in some mechanisms that will give private physicians the possibility of actually going and practicing medicine in underserved areas of this country. And it is a very important thing.

We have had here in Washington, DC, in one part of the city, Anacostia, what they call a declared national health emergency so that they could send a national health physician into a part of the Capital City of the United States. That is how bad it is. So when we wrote this bill we put in provisions to begin to deal with those problems in the inner city. We knew that in a managed competition situation nobody is going to rush in to compete to take care of either the inner city or the rural areas. And that is another reason why we feel that the single-payer system is so important, because 35 percent of the people in this country either live in the inner city or live in rural areas in this country, and the managed competition system today is not providing them with coverage that they ought to get. We want to build it in for sure.

Ms. VELÁZQUEZ. I thank the gentleman very much.

Ms. WOOLSEY. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, I first of all would like to commend the gentlewoman for this

special order this evening and thank her for yielding.

I would certainly like to commend the gentleman from Washington for the tremendous amount of energy he has brought to this House. We entered the 100th Congress together, and I have watched with pride his ascension in the leadership in this Congress and his important appointment as head of the Ethics Committee, and our class is extremely proud and pleased that we came in together and that you have taken this leadership that is so important.

Let me address a question to the gentleman, if I may. I would like to ask about the American Health Security Act, H.R. 1200, the former Russo bill, H.R. 1300, that we talked about last year. My question deals basically with access, as was indicated before, and I would like for the gentleman to amplify a little bit more on how access in the inner city is going to improve the approach under this single-payer bill.

We have concerns about the whole question of access, and I wonder if the gentleman would engage in a conversation with me on that matter?

Mr. McDERMOTT. I am happy to engage in a conversation with the gentleman. I think that is one of the most awful things about our present system, that for people who do not have health insurance, whether they are rich or poor, or whomever, they tend not to go to the doctor. They wait and wait until they cannot stand it, and then they go to the emergency room. Because they have no way to pay for it, they do not want to go through the hassle, and they wait until they cannot handle it.

What that leads to is thousands of people that we treat for strokes who, if they had had preventive care or had health insurance, could have had their blood pressure monitored. Or we have young women who arrive in the emergency room about to deliver a baby, who have never seen a doctor before, and we wind up with young babies of low birth weight that we spend hundreds of thousands of dollars on. If we had spent a few dollars in prenatal care, we could have helped them.

So one of the most important things I think about a national plan is giving access to people in the inner city and care at the early part of an illness or an injury. We spend tremendous amounts of money in the emergency room dealing with the after effects of problems that could have been dealt with, with a little bit of money in the very beginning. And I think that is the primary thing that I see as a benefit to the inner cities. It will raise the level of help.

This country's infant mortality rate is an absolute disgrace. There are countries in Central America that have a better infant mortality rate than this country, and there is no excuse for that. We have the best health care

available in the world, and yet our infant mortality rate is terrible. That is primarily because we are not dealing with people at the early part of a pregnancy, having a baby, which is not an illness, but a natural human process, but also other things that we could be dealing with where we ought to be dealing with early. But we wait and wait, and we are paying way more than we should be in this country because we wait.

Mr. PAYNE of New Jersey. I could not agree with you more. I have attended some neonatal intensive care units in our city where, as you have indicated, tremendous amounts of money are spent bringing these infants back to full health at a tremendous cost to the system. But also it is a tremendous cost to that infant, because studies indicate that low birth weight babies achieve as they move on through the educational system far less, and that they are doomed to fall behind and the success rate of low birth weight babies happens to be very low as they progress.

Let me just say in addition to that, universal access is of primary concern to me. The 10th Congressional District of New Jersey, where I reside, and which has cities like Newark, NJ, and Jersey City, and Elizabeth, the whole question of access is indeed a problem.

Let me just tell you a little bit about my district, which is largely an urban region. We have the same health problems that plague many of the other regions of our country. We have heard about the inequities in our health delivery system, but many inner-city residents encounter problems of accessing quality health care, as you so clearly brought out. Similarly the residents of my district have difficulty in particular with primary care, and as you have indicated, primary care is very important, because primary care is preventive.

One of the problems we have in this country is that we find that 70 percent of the physicians who are currently in medical school are studying to be specialists, where only 30 percent are going into primary care. In Canada we find that it is just the reverse, 30 percent of the physicians being specialists and 70 percent in primary care. But even more of a concern is that the current medical school classes have about 85 percent of the students studying for specialization. We cannot have a system that is simply filled with specialists.

Some say why not increase what the primary care physicians make and therefore we will have more going into that. I think that that will continue to expand the cost of health care and that is not the answer. I think we need to get more people in primary care.

But let me just say in conclusion, as a result of this in New Jersey's 10th District, as I have indicated, we have



seen an increase in diseases that we thought were eliminated. Infant mortality in one of our hospitals in Newark is at a rate as high as 24 per 1,000 live births.

□ 2100

It is an abomination. It is a disgrace. We have seen tuberculosis on the rise again. We have many infants and toddlers who are not immunized against childhood diseases all of which are preventable. In our Nation, back in 1983, there were 1,400 cases of measles that were reported to be of serious consequences. In 1991, there were 40,000 with a number of deaths.

Tuberculosis, practically eliminated, but in my city of Newark, it has increased by 20 percent in the last 5 years. We have the second highest rate of incidence of tuberculosis in the Nation, almost 72 cases per 100,000, the resistant strain of tuberculosis where two and three different medications cannot cure it.

We have found that streptomycin was not being produced anymore because there was a thought that tuberculosis was eliminated and, therefore, there was no need to make this. We have a shortage of streptomycin in this country.

But in addition to that, as I indicated, we have the multiple strain tuberculosis, and in the Northeast. At a veterans' hospital in my district, 13 people died from tuberculosis, 11 veterans and 2 employees. At a local welfare office, we have found that, doing the tests, we have found 20 percent of the employees tested positive for tuberculosis.

In New York, the IGWU took 1,300 persons, tested them, new immigrants from Eastern Europe, and 40 percent tested positive for tuberculosis.

Tuberculosis is something that you can ride a subway car and engage with the same people on a daily basis, and if that happens, just casually, in a subway car, if you do that for 2 or 3 weeks, a person can contract tuberculosis and become HIV positive just simply by that kind of casual contact.

And we have serious problems in this country, and particularly in the Northeast. Prenatal care is not provided to many mothers who cannot afford to pay for physicians' care out of pocket. Vaccines have become so expensive that many low-income families cannot afford it.

We have to do, with the assistance of Prudential Insurance Co., which gives us a \$50,000 grant with my day care group, we do early childhood immunization in May where we have early childhood kindergarten registration just to get children to come in, because we find that many 4-year-olds in our city have not completed their immunization shots, going into kindergarten and the first grade.

In this country, 1 in 5 children live in poverty, and over 1 million children in

this country are homeless. Families must then concentrate their efforts on available resources on basic necessities such as food, clothing, and shelter and are, therefore, unable to devote the energy to providing the most basic health care.

In circumstances where social and economic deprivation are the standard for large segments of our society, children fall victim to the ravages of abuse, neglect, and crime.

So I would finally, in real conclusion, like to thank the gentleman from Washington certainly for bringing this attention to this matter and to the attention of the public, and I would say that we must continue to push this discussion. It is very important as we continue to debate the health care reform that we need in this country, and I would just like to once again thank the gentleman and, of course, the gentleman from the great State of Washington for this colloquy tonight.

Mr. McDERMOTT. The gentleman raises some very interesting points.

I think it is really to the point that the President's stimulus package provided for immunizations for all American kids, and the numbers the gentleman is giving are really a disgrace in this country. I think that is why the President is to be commended for his efforts in that regard.

I think tuberculosis is not just in the 10th District in New Jersey. It is all over in the inner cities in this country, and that is why we cannot afford a system that waits until people are dead or almost dead before we start dealing with them. We have to deal with the prevention, and you raised a very important issue.

I thank the gentleman.

Ms. WOOLSEY. Mr. Speaker, I yield to the gentleman from North Carolina [Mrs. CLAYTON], president of the Democratic freshman class and my friend.

Mrs. CLAYTON. I thank the gentleman for yielding.

I wanted to also add my congratulations to the gentleman from the State of Washington for his leadership in bringing this bill before Congress.

I am one of those who have signed on, signed on with the realization that there would be some modification perhaps when the President submitted the bill, one to have the discussion, because I think the discussion of the variables and the pressures and the structures and the tensions that, as we try to fashion a plan, is so very, very important, and you have afforded that.

You also have afforded the option of people considering a single payer. Whether we survive or not, I just appreciate the opportunity for your having done that.

I come from a rural community, and I just wanted to add to the record some discussion about that.

Would the gentleman comment for us, as he looks at the plan that he is

proposing, if it accounts for the uniqueness that we find in our rural communities in particular?

We have, as you well know, failing hospitals in many instances, and in other instances we do not have the same structure of personnel that are there, so we have a lack of infrastructure in the traditional way, and we do not have the manpower, the resources, as we have had.

Further, I, too, am very, very much interested in the preventive care. I will come back to that. But if you will comment for me on the personnel as well as the infrastructure, how we accommodate for those things that we are missing there as we try to make health care affordable and equal across the country.

Mr. McDERMOTT. Well, we tried, first of all, to make available money so there would be the possibility that physicians and other health care providers could go out into rural areas.

Right now in every State, at least in the West, and I guess in the East as well, you have rural areas where it is very hard to recruit a physician. One of the ways you can help that process is through a National Health Service Corps which gives you some additional money to offer to somebody who is coming out to help them set up a practice.

I think it is very hard, when you leave medical school, to think about going out to a rural area where many people have no insurance and, therefore, cannot pay, and going out and setting up a practice and wondering if you will ever be able to get paid.

So one of the major advantages of having a national health plan where everybody is covered, no matter where they live in the State, they will have the ability to pay. It says to a physician, "If you go out and practice in a rural area, your patients will be able to pay."

Right now, in many rural areas, there is no health insurance, so if somebody goes out there, they are either paid in kind, in terms of produce and what-not, or they just cannot collect. So in order to make it financially viable, giving everybody the ability to pay with this universal access card makes it much more financially possible.

Beyond that, we put some money into the public health services of States, because we realized that there are some places where the State may want to put a clinic in and provide a nurse-practitioner or some other practitioner. So we tried as many ways as we could to get at the problems of rural areas.

Rural hospitals, again, have the problem of patients coming in, but no way to pay for the services, so you ultimately improve the process when everybody has the ability to pay for the health care that they accept.

Mrs. CLAYTON. We do now have National Health Corps. I did not know whether, if your proposal planned to expand that.

Mr. McDERMOTT. To expand that, yes, to make more money available in that regard. It has been very limited over the last 10 years, and it is time to expand it again.

Mrs. CLAYTON. All right. Again, as we look at the hospital part of this health-care proposal, it has brought a lot of the entities who have a vested interest to want to have their particular participation protected, understandably so. I think the hospital association perhaps has made a good point of networking, as they see their involvement in that process, is to recognize there may be just a combination of health providers, and those health providers could include clinics, it could include private physicians, and it could include rural hospitals, tertiary hospitals or teaching hospitals. But do you see that sort of grouping possible under your plan?

Mr. McDERMOTT. Yes.

Mrs. CLAYTON. If you would speak to that.

Mr. McDERMOTT. That is one of the reasons why we wanted to put the decision about how you put the delivery system together at the State level.

□ 2110

Every State is different. North Carolina has very good hospitals in Chapel Hill and Durham and those places.

Mrs. CLAYTON. And Greenville.

Mr. McDERMOTT. And Greenville. But there are other parts of the State where you do not have that kind of thing and you may want to set up a clinic system related to one of those university hospitals. But that may be the best way for North Carolina, but when you get into Vermont, it may be a totally different situation. Or when you get out into the West, where the wide open spaces are, those of New Mexico and Montana, where you would want to go in a different direction, you may want, in fact, to use some kind of helicopter service to be able to pick up patients who are sick and take them long distances rather than try to run a hospital in an area. There are a whole variety of ways in which that problem, the rural problem, in this country needs to be solved. And we knew that there is no way we could design a program on the floor of the House that would solve the problems of all the various States of this country.

So we gave total discretion to the States to design a way to meet the needs of the people who live around Greenville or live around Paducah, KY, or who live in northern Alabama. Those are all different places; they have different health care systems.

We on the west coast have lots of HMO's. We have had long experience even since 1947 in Seattle with an HMO

that has 350,000 people in it. Other parts of the country have not had that kind of experience. So to say everybody ought to be in an HMO does not ordinarily make sense if you have not developed those kinds of mechanisms.

I think that the flexibility in our bill gives the States the ability then to sit and figure out what is the best way for everybody to take care, in the Tarheel State or the Volunteer State. They are going to be different because the people are different in many ways.

Mrs. CLAYTON. I just want to press a few other areas. The gentleman has mentioned them, and I just wanted him to expand, if he would.

The gentleman has emphasized his commitment to preventive health care. Help me understand how that gets structured and help me understand how those nutritional behaviors that go to preventive or other kinds of screening get to be the kinds of things that insurance will now pay for that they are not paying for?

Mr. McDERMOTT. Well, first of all, in a system like we have today, we try to keep people from using their insurance. So we do not want them to come in. But when you have a system where you have everybody in, as we would have in a national health plan, you have a national goal of keeping people healthy.

So, educational programs become a part of what you want to actually happen and you are willing to spend money on that kind of thing in terms of teaching people about good nutrition or how to take care of themselves, or a variety of things that are really matters of education.

In our system today, we do not educate anybody. We just simply wait for them to get sick, and then they come into the system, and we deal with them. What we do when we put a universal plan in and make preventive programs available, you are trying then to educate people of the necessity of getting their kids immunized. You are not going to have to pay for it, it is not going to break you if you go to get immunization for your kids.

Lots of people would like to immunize their children, but the thought of how much it is going to cost to have those visits after the child is born for the first couple of years, they simply do not have the money. So they do not go to the well-child clinic and get those kinds of things. When you have everybody in the system, you have a real driving desire to keep them healthy, so you encourage them to come in. You do everything possible to get them into the system early.

It changes your mentality when everybody has health insurance, because the insurer, the State, has as its best interest keeping the citizens healthy rather than waiting for them to get sick.

Mrs. CLAYTON. I agree with the gentleman. I could not agree with him

more. What we need, really, is a definition of what we mean by health care policy. Part of that, I think, has been that we think of health as getting well after we become sick. But we could define a health policy by keeping our citizens as healthy as possible; that would not only be a more productive citizenry but also would be cost effective in the long run.

So, definition is important in that.

Also, I think definition is important as we look at the difference between competitive managed care and managed care. In the gentleman's first interest in response to my question about preventive health care, he suggests managed health care, that he would manage the whole process. You would start early in teaching people behavior, about nutrition, health, and environment. All of that becomes a part of that managed process.

However, when you attempt to take that and make it competitive—and I am certainly not against the free market system—but I am saying, when you take health care and try to make that process, who can do that best for the least amount of dollars, I am not sure that is the same definition that allows for preventive health care.

Mr. McDERMOTT. That is exactly right.

Mrs. CLAYTON. Then you would be spending products or medicines or treatment or things that do not suggest the interaction and the conversation and the public health education with that. So, hopefully, we can further Americans' understanding about what it means to have quality care as a managed process, and that process includes all of those things.

Further, Mr. Chairman, I think we also need to understand that where I live, in my home or if I have an income, or if I have environmental issues around me, it is going to affect my health. So, if I am living rural and I cannot get transportation to certain areas, I am not going to visit a doctor, because those are impediments to me having access. In some instances we have to be sensitive to the other barriers for doing what is normal for you and I to do because a person may have a language barrier, a transportation barrier. Those things have to be anticipated if we want to have quality health care.

But the idea in all of this is not just to pen the floodgates and do it for the 37 million people the way we are doing it now.

Mr. McDERMOTT. No.

Mrs. CLAYTON. But to improve that and to have it far more effective and, in the long run, that will cost more of our total resources than it does now, plus we will have added to the productivity and health of our citizens in the future.

Again I thank the gentleman from California for yielding this time to me.



And again I thank the gentleman from Washington [Mr. McDERMOTT] for his leadership in this discussion.

Mr. McDERMOTT. The gentlewoman makes a very good distinction between managed care and managed competition. Managed care, trying to get the best care for everybody in the society; but the minute you put competition on a price basis into it, you are trying not to give services. That is one of my real concerns about managed competition: that you are competing on the basis of price. So, you get away from trying to give the best health care to everybody. That is a very, very good distinction to make.

Ms. WOOLSEY. I would like to reclaim my time. I may not have any time left for myself. But I thank the gentlewoman from North Carolina for her comments.

Mr. Speaker, I do have comments and some questions of my colleague, and I would appreciate it if we can finish this, I am sure, in very short order. I thank the gentleman from Washington. He has done a marvelous job leading us through the tangles and webs of health care in the first place and explaining so clearly why a single-payer system, particularly the American Health Security Act, would be in the best interests of all Americans.

I am pleased and proud to join my colleagues in strong support of the American Health Security Act. As a new Member of Congress, I consider this bill to be the most important legislation that I have had the opportunity to cosponsor.

Mr. Speaker, I campaigned in favor of the single-payer system, and I chose to come here tonight on the floor with the gentleman from Washington to lay out the many compelling arguments in favor of the single-payer system. The gentleman has done a wonderful job in the last hour answering questions, explaining it to us.

So, what I would like to do is to talk just a little bit about what I have been hearing from my constituents. During my campaign, one of the loudest and clearest sentiments that I heard, and later in townhall meetings 2 weeks ago in my district, was both from constituents, from physicians, and from hospital administrators, and that is that the American people are ready for total health care reform.

□ 2120

They do not want a Band-Aid. They want a health care system that encompasses five major principles before they will consider the health care system that this Nation deserves. To them the principles I heard were universal coverage regardless of employment, income, or health status, comprehensive benefits, including a full range of reproductive services, prevention, and long-term care, consumer choice of providers, affordability, and public accountability.

Of all the health care reform proposals that I have studied and that have been suggested, only one accomplishes all these goals. That plan is the American Health Security Act that we are discussing today.

The Congressional Budget Office also agrees. They say that the single-payer is the most effective way to provide universal access and contain health care costs. In a real sense, it is the most fiscally conservative plan being considered.

As a newly elected Member of Congress who focused on health care reform during the campaign, I know that the people I represent in the Sixth Congressional District, that is Marin and Sonoma Counties in California, expect me to have the courage to fight for the best possible health care system. Their hopes are high and they expect an effective solution. Therefore, we must not move ahead on anything but a proven solution. Our Nation, our families, our businesses cannot wait for additional years of experimentation and tiny fixes. The time is right for change and major change. The American Health Security Act is the answer.

After I was elected, I planned to come to Congress and join the many other Members, like Representative JIM McDERMOTT and Senator PAUL WELLSTONE, to push for total health care reform. When the freshman class met at Harvard, however, this past December to learn about the issues that we would be encountering and voting on as Members of the House, I was appalled that, in the discussion of health care reform, the single-payer approach was not even mentioned. There was a seminar on managed competition, but none on the single-payer concept. The sentiment up in Cambridge was that single-payer was not even on the drawing board.

Since I knew that a great number of my constituents expected me to advocate the single-payer bill in Congress, I formed our own freshman working group on the issue and invited experts to conduct a seminar at Harvard on single-payer so that my freshman colleagues could hear about both plans, and they were relieved because they wanted to weigh the issues for themselves.

What happened at Harvard—the complete disregard for the single-payer approach—simply is not acceptable. H.R. 1200 has 72 House cosponsors—more than any other bill that lays out health care reform. It is the reform for which the people I represent, and overwhelming numbers of consumers in this Nation, want. And I will keep working to make sure their voices are heard by this Congress and this administration.

I recently held two townhall meetings on the subject of health care in my great district—one in Sonoma County, and one in Marin County. The meetings were set up for my constitu-

ents to tell me about their experiences and their concerns—so that I could simply listen to them about the problems they have had with insurance companies, their solutions, and so forth. The consensus that developed after almost 200 people shared their particular stories and ideas did not surprise me.

They want a single-payer system. They know that small reforms in the health care arena are not sufficient to take care of the many problems that lie within the current health care system.

The next week, I went back to my district and met with a group of doctors who are known as the California Physician's Alliance. These physicians represent a broad base of medical disciplines, doctors who have come together to endorse a single-payer approach. In fact, they were instrumental in persuading the California Democratic Party to endorse H.R. 1200 at the California Democratic convention this month. These doctors endorse the bill because they know that 37 million uninsured Americans are creating an enormous burden on our service delivery system and that these folks, many of whom are children, must become insured immediately—insured regardless of socioeconomic status, age, existing condition, or whether or not they are employed.

In addition, doctors like this method of delivery because it lets them get on with the business of practicing medicine by taking away the overwhelming administrative burden placed on them currently. I have heard countless times from physicians how cumbersome the insurance claim filing process is—how it drives costs up that they must pass on to their patients. Single-payer completely solves this problem. It does away with burdensome paperwork by using one standard form.

Consumers like the plan and many doctors are amenable to the idea, in fact, are starting to push it themselves. How about business? It just makes sense for businesses to advocate this bill. As a small business owner and a human resources manager for over 20 years before coming to Washington, I am familiar with the burden that providing health care coverage places on business. Businesses are currently bearing the primary responsibility for insuring workers and their dependents. If they could feasibly insure more workers or provide better coverage, I truly believe they would do so. It is unfair to business to force them to solve the health care crisis. They cannot carry any more of the cost. In fact, I believe with a more efficient system, we can save business money. If we pay for health care through progressive taxes, such as payroll, sales, corporate, and perhaps value-added taxes, we should not be forced to place a new burden on employers or the average American.

I would like to point out here that taxing health care benefits for employers who choose to provide good coverage is unfair. This Nation is capable of offering a comprehensive benefit package that is at least as good as that provided by organized labor and top businesses. We should offer no less, and we certainly should not penalize those who have good health care programs.

I have a question for my colleague on the subject of disparities between the medical care a poor person receives compared to those who have good coverage.

I am going to tell you a story. My mother was on Medi-Cal in California. She was a very proud person and because she was on Medi-Cal her people were treated differently when they went into the doctor's office. She refused to go. Therefore, she died at the age of 62 with cancer that could have been cured had she not been treated so that her pride would get in the way. Some of that is her fault, of course. Pride is something.

But can the gentleman tell me, and I know he can, how this system would make it easier for those who have left?

Mr. McDERMOTT. Well, Mr. Speaker, if the gentlewoman will yield, I have said earlier, but I think one of the values of a truly American system, and we are not going to take any other country's system, we are not taking Canada or Germany or Holland or Australia. We are designing an American system and one of the values of an American system that I believe ought to be is that we all get the same treatment, that everybody should have access to the same high quality of health care. That is what this card really is all about. If you have one of these cards you cannot tell whether you are rich or poor or where you live or what neighborhood you live in or anything else. It is your access to the health care system.

Today if anybody in this country becomes ill or is injured, what happens to them has an awful lot to do with the kind of plastic that comes out of their pocket when they are taken into the hospital. If you have good plastic and it covers all kinds of things, one thing happens. If you do not have anything, you may be shuffled down the road in the ambulance to some other place in the city where you get a different level of health care.

□ 2130

That is not right. It is not American. It is not democratic in the small "d" sense. Everybody in the democracy has a right of citizenship and ought to have access to good, high-quality health care at a cost that they can afford, and that was the basic goal of this plan, and that is why we believe that this basic card begins to wipe away the inequities that are presently in our system and are so grossly unfair.

Ms. WOOLSEY. I just wish that my mother had had that card. I probably would have a mother today. I would like to ask another question, and it is also based on a personal story.

Twenty-three years ago I was a single mother with three children. They were 1, 3, and 5 years old, and, although I was employed, I could not support the four of us on the \$580 a month that I earned as an executive secretary. I had to rely on aid for dependent children, not only to put food on the table, a roof over our heads, and pay for child care, but also, and most importantly, to get health care coverage for my kids. I had gone from a married woman with complete health care coverage for my children to being a single working mother without the means to take my children to the doctor, the dentist, or the optometrist. Before making the decision to go on AFDC, I remember lying awake at night absolutely scared to death that one of my children might get sick.

No one should be put through that turmoil. Health care coverage should be continuous regardless of whether or not you are married or have a job. As the cost of health insurance continues to increase, over 100,000 Americans will move into the ranks of the underinsured each month and worry like I did.

Congressman McDERMOTT, would a single-payer system have helped me, and will it help others facing this insecurity?

Mr. McDERMOTT. There is no question that this card, this system, the American health care system which has universal coverage that is portable, one can move around the country with it if they are employed or unemployed, if they are married, if they are single—no matter what the status because it becomes a right of citizenship, it protects you from those kinds of insecurities that presently are in our system. Our system of health insurance in this country developed around employment coming out of the Second World War, and all of our health care system, practically speaking until Medicare, that was put in place was related to employment. If one had a good job, they had good health benefits. If they had a job that had just salary and no benefits, they had nothing.

Right now, today, of the 37 million Americans who do not have health insurance, more than half of them are employed full time. These are not people who are not trying. These are not people who are not working. These are people who are trying the best they can, but they do not get it through their employment, and that is why we have to have a national system that says: "Whether you're working at a \$5 an hour job, or a \$10 an hour job, or a \$25 an hour job, or a \$100 an hour job, you are entitled to health care in this country," and I think that until we

have a universal system we will continue to have the kinds of situations which the gentlewoman described that affected her.

Mr. Speaker, no one should have to go through that. No one should have to worry about taking their kids to the doctor.

Ms. WOOLSEY. Well, nobody will ever question why I believe the way I do so seriously and passionately about this issue.

Mr. Speaker, before I yield back my time I am going to yield the rest of my time to the gentleman from Washington [Mr. McDERMOTT] to summarize if he would like, but I would like to make just one last point.

A Member asked me the other day if, by establishing a single-payer system would the health of our Nation be improved in general, and of course the answer is absolutely yes, and one of the examples, and I know we are not going to model it exactly after Canada, but one of the examples I want to give—I gave in my answer is about Canada who first began its single-payer system in the 1950's, and, when they did, their infant mortality rate was running 40 percent higher than Australia's, 30 percent higher than Britain's, and 5 percent higher than that of the United States.

By the early 1970's, after single-payer medical care insurance was fully in place, Canada's infant mortality rate was identical to Australia's and 10 percent lower than ours. Now, today, 20 years later, Canada's infant mortality rate is 30 percent lower than ours and one of the lowest in the world.

Mr. Speaker, we must learn from that experience, and now I would like to yield my time to the gentleman from Washington [Mr. McDERMOTT] in case he would like to summarize.

Mr. McDERMOTT. Mr. Speaker, I appreciate the contribution of the gentlewoman from California [Ms. WOOLSEY] and all the Members in this effort has been very important. We have as many signatures this year as we had last year, and we are still gaining them. People are still coming in, and it is because of people like the gentlewoman from California [Ms. WOOLSEY], and I think the American people need to understand that there is a core, a solid core in this Congress, who are very committed to providing health insurance that is available to everyone without regard to their financial status, or where they live, or anything else, at a cost that people can afford and with an emphasis on providing the high quality health care that everyone in this country should be entitled to, and I thank my colleagues very much for their time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:



Mr. TORRES (at the request of Mr. GEPHARDT), for April 28 and 29, on account of personal business.

Mr. CALVERT (at the request of Mr. MICHEL), for today and the balance of the week, on account of official business.

Mr. HUNTER (at the request of Mr. MICHEL), for today, on account of official business.

Mr. TUCKER (at the request of Mr. GEPHARDT), for today, on account of official business.

Mr. WASHINGTON (at the request of Mr. GEPHARDT), for today and tomorrow, April 29, on account of official business.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. KIM, for 5 minutes each day, on April 29 and May 5.

Mr. HORN, for 15 minutes, on May 4.

Mr. LEWIS of Florida, for 5 minutes, today.

Mr. ROTH, for 60 minutes, today.

Mr. WOLF, for 5 minutes, on April 29.

Mr. DREIER, for 5 minutes, today.

Mr. DELAY, for 60 minutes, on April 29.

Mr. THOMAS of Wyoming, for 5 minutes, on April 29.

(The following Members (at the request of Ms. FURSE) to revise and extend their remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

Mr. HOAGLAND, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

Mrs. COLLINS of Illinois, for 5 minutes each day, on May 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, and 27.

Mr. OWENS, for 60 minutes each day, on May 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, and 27.

Mr. GONZALEZ, for 60 minutes each day, on May 3 and 6.

Mr. UNDERWOOD, for 60 minutes, on April 29.

Mr. MENENDEZ, for 60 minutes, on May 20.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. HANCOCK.

Mr. PORTER, in two instances.

Mr. LEWIS of Florida, in two instances.

Mr. SAXTON.

Mr. LEVY.

Mr. DELAY.

Mr. OXLEY.

Mr. ZIMMER.

Mr. HYDE.

Mr. SOLOMON, in two instances.

Mr. GALLO.

Mr. HANSEN, in two instances.

Mr. KYL, in two instances.

Mr. GALLEGLY.

Mr. FOWLER.

Mr. KNOLLENBERG.

Mr. GOODLING.

Mr. WELDON.

Mr. FRANKS of Connecticut.

Mr. SMITH of Michigan.

Mr. GEKAS.

Mr. CALVERT.

Mr. WOLF.

Mr. MCKEON.

Mr. SANTORUM.

Mr. SMITH of New Jersey.

Mr. GILCHREST.

Mr. GILLMOR.

Mr. DORNAN.

Mr. CAMP.

Mr. QUINN.

(The following Members (at the request of Ms. FURSE) and to include extraneous matter:)

Mr. COLEMAN.

Mr. LIPINSKI in five instances.

Ms. PELOSI.

Mr. SWETT in two instances.

Mr. HALL of Ohio.

Mr. FORD of Michigan.

Mr. TRAFICANT in four instances.

Mr. TORRES.

Mr. BILBRAY.

Mr. ANDREWS of New Jersey in two instances.

Mr. WAXMAN in two instances.

Mr. FOGLIETTA in five instances.

Mr. DINGELL in two instances.

Mr. WISE.

Mr. NEAL of Massachusetts in three instances.

Mr. ACKERMAN.

Mr. ROWLAND.

Mr. MANTON.

Mr. BONIOR in two instances.

Mr. FROST.

Mrs. SCHROEDER in two instances.

Mr. MENENDEZ.

Mr. COSTELLO.

Ms. ESHOO.

Mrs. MALONEY.

Mr. HAMILTON in four instances.

Mr. WILLIAMS.

Mr. ANDREWS of Texas.

Mr. DEFazio.

Mr. RICHARDSON.

Mr. STUDDS.

Mr. KLEIN in two instances.

Ms. ENGLISH of Arizona.

Mr. SERRANO.

Mr. LANTOS.

Mr. LAUGHLIN.

Mr. BERMAN.

Mr. GIBBONS in two instances.

Mr. OWENS of New York.

Mr. MEEHAN.

Mr. FAZIO.

#### SENATE JOINT RESOLUTION

A joint resolution of the Senate of the following title was taken from the

Speaker's table and, under the rule, referred as follows:

S.J. Res. 85. Joint resolution designating the week beginning May 2, 1993, as "National Mental Health Counselors Week"; to the Committee on Post Office and Civil Service.

#### SENATE ENROLLED JOINT RESOLUTIONS

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 62. Joint resolution to designate the week beginning April 25, 1993, as "National Crime Victims' Rights Week."

S.J. Res. 66. Joint resolution to designate the weeks beginning April 18, 1993, and April 17, 1994, each as "National Organ and Tissue Donor Awareness Week."

#### ADJOURNMENT

Mr. McDERMOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Thursday, April 29, 1993, at 11 a.m.

#### OATH OF OFFICE; MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 103d Congress, pursuant to the provisions of 2 U.S.C. 25:

#### ALABAMA

1. Sonny Callahan
2. Terry Everett
3. Glen Browder
4. Tom Bevill
5. Robert E. (Bud) Cramer, Jr.
6. Spencer T. Bachus III
7. Earl F. Hilliard

#### ALASKA—AT LARGE

Don Young

#### ARIZONA

1. Sam Coppersmith
2. Ed Pastor

3. Bob Stump
4. Jon Kyl
5. Jim Kolbe
6. Karan English

## ARKANSAS

1. Blanche M. Lambert
2. Ray Thornton
3. Y. Tim Hutchinson
4. Jay Dickey

## CALIFORNIA

1. Dan Hamburg
2. Wally Herger
3. Vic Fazio
4. John T. Doolittle
5. Robert T. Matsui
6. Lynn C. Woolsey
7. George Miller
8. Nancy Pelosi
9. Ronald V. Dellums
10. Bill Baker
11. Richard W. Pombo
12. Tom Lantos
13. Fortney Pete Stark
14. Anna G. Eshoo
15. Norman Y. Mineta
16. Don Edwards
17. Leon E. Panetta
18. Gary A. Condit
19. Richard H. Lehman
20. Calvin M. Dooley
21. William M. Thomas
22. Michael Huffington
23. Elton Gallegly
24. Anthony C. Beilenson
25. Howard "Buck" McKeon
26. Howard L. Berman
27. Carlos J. Moorhead
28. David Dreier
29. Henry A. Waxman
30. Xavier Becerra
31. Matthew G. Martinez
32. Julian C. Dixon
33. Lucille Roybal-Allard
34. Esteban Edward Torres
35. Maxine Waters
36. Jane Harman
37. Walter R. Tucker III
38. Stephen Horn
39. Edward R. Royce
40. Jerry Lewis
41. Jay Kim
42. George E. Brown, Jr.
43. Ken Calvert
44. Alfred A. (Al) McCandless
45. Dana Rohrabacher
46. Robert K. Dornan
47. Christopher Cox
48. Ron Packard
49. Lynn Schenk
50. Bob Filner
51. Randy "Duke" Cunningham
52. Duncan Hunter

## COLORADO

1. Patricia Schroeder
2. David E. Skaggs
3. Scott McInnis
4. Wayne Allard
5. Joel Hefley
6. Dan Schaefer

## CONNECTICUT

1. Barbara B. Kennelly
2. Sam Gejdenson
3. Rosa L. DeLauro
4. Christopher Shays

5. Gary A. Franks
  6. Nancy L. Johnson
- DELAWARE—AT LARGE
- Michael N. Castle
- FLORIDA

1. Earl Hutto
2. Douglas "Pete" Peterson
3. Corrine Brown
4. Tillie K. Fowler
5. Karen L. Thurman
6. Cliff Stearns
7. John L. Mica
8. Bill McCollum
9. Michael Bilirakis
10. C.W. Bill Young
11. Sam Gibbons
12. Charles T. Canady
13. Dan Miller
14. Porter J. Goss
15. Jim Bacchus
16. Tom Lewis
17. Carrie P. Meek
18. Ileana Ros-Lehtinen
19. Harry Johnston
20. Peter Deutsch
21. Lincoln Diaz-Balart
22. E. Clay Shaw, Jr.
23. Alcee L. Hastings

## GEORGIA

1. Jack Kingston
2. Sanford D. Bishop, Jr.
3. Michael A. "Mac" Collins
4. John Linder
5. John Lewis
6. Newt Gingrich
7. George (Buddy) Darden
8. J. Roy Rowland
9. Nathan Deal
10. Don Johnson
11. Cynthia A. McKinney

## HAWAII

1. Neil Abercrombie
2. Patsy T. Mink

## IDAHO

1. Larry LaRocco
2. Michael D. Crapo

## ILLINOIS

1. Bobby L. Rush
2. Mel Reynolds
3. William O. Lipinski
4. Luis V. Gutierrez
5. Dan Rostenkowski
6. Henry J. Hyde
7. Cardiss Collins
8. Philip M. Crane
9. Sidney R. Yates
10. John Edward Porter
11. George E. Sangmeister
12. Jerry F. Costello
13. Harris W. Fawell
14. J. Dennis Hastert
15. Thomas W. Ewing
16. Donald A. Manzullo
17. Lane Evans
18. Robert H. Michel
19. Glenn Poshard
20. Richard J. Durbin

## INDIANA

1. Peter J. Visclosky
2. Philip R. Sharp
3. Tim Roemer
4. Jill L. Long
5. Stephen E. Buyer
6. Dan Burton

7. John T. Myers
  8. Frank McCloskey
  9. Lee H. Hamilton
  10. Andrew Jacobs, Jr.
- IOWA

1. Jim Leach
2. Jim Nussle
3. Jim Lightfoot
4. Neal Smith
5. Fred Grandy

## KANSAS

1. Pat Roberts
2. Jim Slattery
3. Jan Meyers
4. Dan Glickman

## KENTUCKY

1. Thomas J. Barlow III
2. William H. Natcher
3. Romano L. Mazzoli
4. Jim Bunning
5. Harold Rogers
6. Scotty Baesler

## LOUISIANA

1. Bob Livingston
2. William J. Jefferson
3. W.J. (Billy) Tauzin
4. Cleo Fields
5. Jim McCrery
6. Richard H. Baker
7. James A. Hayes

## MAINE

1. Thomas H. Andrews
2. Olympia J. Snowe

## MARYLAND

1. Wayne T. Gilchrest
2. Helen Delich Bentley
3. Benjamin L. Cardin
4. Albert Russell Wynn
5. Steny H. Hoyer
6. Roscoe G. Bartlett
7. Kweisi Mfume
8. Constance A. Morella

## MASSACHUSETTS

1. John W. Olver
2. Richard E. Neal
3. Peter Blute
4. Barney Frank
5. Martin T. Meehan
6. Peter G. Torkildsen
7. Edward J. Markey
8. Joseph P. Kennedy II
9. John Joseph Moakley
10. Gerry E. Studds

## MICHIGAN

1. Bart Stupak
2. Peter Hoekstra
3. Paul B. Henry
4. Dave Camp
5. James A. Barcia
6. Fred Upton
7. Nick Smith
8. Bob Carr
9. Dale E. Kildee
10. David E. Bonior
11. Joe Knollenberg
12. Sander M. Levin
13. William D. Ford
14. John Conyers, Jr.
15. Barbara-Rose Collins
16. John D. Dingell

## MINNESOTA

1. Timothy J. Penny
2. David Minge



3. Jim Ramstad
4. Bruce F. Vento
5. Martin Olav Sabo
6. Rod Grams
7. Collin C. Peterson
8. James L. Oberstar

## MISSISSIPPI

1. Jamie L. Whitten
2. Mike Espy
3. G.V. (Sonny) Montgomery
4. Mike Parker
5. Gene Taylor

## MISSOURI

1. William (Bill) Clay
2. James M. Talent
3. Richard A. Gephardt
4. Ike Skelton
5. Alan Wheat
6. Pat Danner
7. Mel Hancock
8. Bill Emerson
9. Harold L. Volkmer

## MONTANA—AT LARGE

Pat Williams

## NEBRASKA

1. Doug Bereuter
2. Peter Hoagland
3. Bill Barrett

## NEVADA

1. James H. Bilbray
2. Barbara F. Vucanovich

## NEW HAMPSHIRE

1. William H. Zeliff, Jr.
2. Dick Swett

## NEW JERSEY

1. Robert E. Andrews
2. William J. Hughes
3. Jim Saxton
4. Christopher H. Smith
5. Marge Roukema
6. Frank Pallone, Jr.
7. Bob Franks
8. Herb Klein
9. Robert G. Torricelli
10. Donald M. Payne
11. Dean A. Gallo
12. Dick Zimmer
13. Robert Menendez

## NEW MEXICO

1. Steven Schiff
2. Joe Skeen
3. Bill Richardson†

## NEW YORK

1. George J. Hochbrueckner
2. Rick Lazio
3. Peter T. King
4. David A. Levy
5. Gary L. Ackerman
6. Floyd H. Flake
7. Thomas J. Manton
8. Jerrold Nadler
9. Charles E. Schumer
10. Edolphus Towns
11. Major R. Owens
12. Nydia M. Velázquez
13. Susan Molinari
14. Carolyn B. Maloney
15. Charles B. Rangel
16. José E. Serrano
17. Eliot L. Engel
18. Nita M. Lowey
19. Hamilton Fish, Jr.
20. Benjamin A. Gilman

21. Michael R. McNulty
22. Gerald B.H. Solomon
23. Sherwood L. Boehlert
24. John M. McHugh
25. James T. Walsh
26. Maurice D. Hinchey
27. Bill Paxon
28. Louise McIntosh Slaughter
29. John J. LaFalce
30. Jack Quinn
31. Amo Houghton

## NORTH CAROLINA

1. Eva M. Clayton
2. Tim Valentine
3. H. Martin Lancaster
4. David E. Price
5. Stephen L. Neal
6. Howard Coble
7. Charlie Rose
8. W.G. (Bill) Hefner
9. J. Alex McMillan
10. Cass Ballenger
11. Charles H. Taylor
12. Melvin L. Watt

## NORTH DAKOTA—AT LARGE

Earl Pomeroy

## OHIO

1. David Mann
2. Willis D. Gradison, Jr.
3. Tony P. Hall
4. Michael G. Oxley
5. Paul E. Gillmor
6. Ted Strickland
7. David L. Hobson
8. John A. Boehner
9. Marcy Kaptur
10. Martin R. Hoke
11. Louis Stokes
12. John R. Kasich
13. Sherrod Brown
14. Thomas C. Sawyer
15. Deborah Pryce
16. Ralph Regula
17. James A. Traficant, Jr.
18. Douglas Applegate
19. Eric Fingerhut

## OKLAHOMA

1. James M. Inhofe
2. Mike Synar
3. Bill K. Brewster
4. Dave McCurdy
5. Ernest J. Istook, Jr.
6. Glenn English

## OREGON

1. Elizabeth Furse
2. Robert F. (Bob) Smith
3. Ron Wyden
4. Peter A. DeFazio
5. Michael J. Kopetski

## PENNSYLVANIA

1. Thomas M. Foglietta
2. Lucien E. Blackwell
3. Robert A. Borski
4. Ron Klink
5. William F. Clinger, Jr.
6. Tim Holden
7. Curt Weldon
8. James C. Greenwood
9. Bud Shuster
10. Joseph M. McDade
11. Paul E. Kanjorski
12. John P. Murtha
13. Marjorie Margolies-Mezvinsky
14. William J. Coyne

15. Paul McHale
16. Robert S. Walker
17. George W. Gekas
18. Rick Santorum
19. William F. Goodling
20. Austin J. Murphy
21. Thomas J. Ridge

## RHODE ISLAND

1. Ronald K. Machtley
2. Jack Reed

## SOUTH CAROLINA

1. Arthur Ravenel, Jr.
2. Floyd Spence
3. Butler Derrick
4. Bob Inglis
5. John M. Spratt, Jr.
6. James E. Clyburn

## SOUTH DAKOTA—AT LARGE

Tim Johnson

## TENNESSEE

1. James H. (Jimmy) Quillen
2. John J. Duncan, Jr.
3. Marilyn Lloyd
4. Jim Cooper
5. Bob Clement
6. Bart Gordon
7. Don Sundquist
8. John S. Tanner
9. Harold E. Ford

## TEXAS

1. Jim Chapman
2. Charles Wilson
3. Sam Johnson
4. Ralph M. Hall
5. John Bryant
6. Joe Barton
7. Bill Archer
8. Jack Fields
9. Jack Brooks
10. J.J. Pickle
11. Chet Edwards
12. Pete Geren
13. Bill Sarpalius
14. Greg Laughlin
15. E de la Garza
16. Ronald D. Coleman
17. Charles W. Stenholm
18. Craig A. Washington
19. Larry Combest
20. Henry B. Gonzalez
21. Lamar S. Smith
22. Tom DeLay
23. Henry Bonilla
24. Martin Frost
25. Michael A. Andrews
26. Richard K. Armey
27. Solomon P. Ortiz
28. Frank Tejeda
29. Gene Green
30. E.B. Johnson

## UTAH

1. James V. Hansen
2. Karen Shepherd
3. Bill Orton

## VERMONT—AT LARGE

Bernard Sanders

## VIRGINIA

1. Herbert H. Bateman
2. Owen B. Pickett
3. Robert C. Scott
4. Norman Sisisky
5. L.F. Payne
6. Bob Goodlatte

7. Thomas J. Bliley, Jr.
8. James P. Moran
9. Rick Boucher
10. Frank R. Wolf
11. Leslie L. Byrne

WASHINGTON

1. Maria Cantwell
2. Al Swift
3. Jolene Unsoeld
4. Jay Inslee
5. Thomas S. Foley
6. Norman D. Dicks
7. Jim McDermott
8. Jennifer Dunn
9. Mike Kreidler

WEST VIRGINIA

1. Alan B. Mollohan
2. Robert E. Wise, Jr.
3. Nick Joe Rahall II

WISCONSIN

1. Les Aspin
2. Scott L. Klug
3. Steve Gunderson
4. Gerald D. Kleczka
5. Thomas M. Barrett
6. Thomas E. Petri
7. David R. Obey
8. Toby Roth
9. F. James Sensenbrenner, Jr.

WYOMING—AT LARGE

Craig Thomas

PUERTO RICO—RESIDENT COMMISSIONER

Carlos A. Romero-Barceló

AMERICAN SAMOA—DELEGATE

Eni F.H. Faleomavaega

DISTRICT OF COLUMBIA—DELEGATE

Eleanor Holmes Norton

GUAM—DELEGATE

Robert A. Underwood

VIRGIN ISLANDS—DELEGATE

Ron de Lugo

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1122. A letter from the Assistant Secretary of Defense, transmitting a report on revitalization initiatives for the U.S. shipbuilding industry; to the Committee on Armed Services.

1123. A letter from the Assistant Secretary of Defense, transmitting the Department's report entitled "Continued Military Need for Bellows Air Force Station, Hawaii," pursuant to section 2853 of Public Law 102-484; to the Committee on Armed Services.

1124. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the April 1993 semi-annual report on the tied aid credits, pursuant to Public Law 99-472, section 19 (100 Stat. 1207); to the Committee on Banking, Finance and Urban Affairs.

1125. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1126. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report pursuant to section 506(b)(2) of

the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

1127. A letter from the Attorney General of the United States, transmitting the annual management report for the Federal Prison Industries, Inc., pursuant to Public Law 101-576, section 306(a) (104 Stat. 2854); to the Committee on Government Operations.

1128. A letter from the Central Intelligence Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1129. A letter from the Copyright Office, transmitting a report of activities under the Freedom of Information Act for calendar year 1992, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

1130. A letter from the President, American Academy of Arts and Letters, transmitting the annual report of the activities of the American Academy of Arts and Letters during the year ending December 31, 1992, pursuant to section 4 of its charter (39 Stat. 51); to the Committee on the Judiciary.

1131. A letter from the Acting Assistant Administrator, Environmental Protection Agency, transmitting a report on alternatives to Mud Dump Site for disposal of dredged material, pursuant to Public Law 101-640, section 412(a) (104 Stat. 4650); to the Committee on Public Works and Transportation.

1132. A letter from the Secretary, Department of Commerce, transmitting the 1994 annual National Implementation Plan for the Modernization and Associated Restructuring of the National Weather Service, pursuant to 15 U.S.C. 313 note; to the Committee on Science, Space, and Technology.

1133. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation entitled "Veterans' Compensation Cost-of-Living Adjustment Act of 1993"; to the Committee on Veterans' Affairs.

1134. A letter from the Secretary, Department of Agriculture, transmitting the fiscal year 1992 report on advisory and assistance services, pursuant to Public Law 101-161, section 641(a)(1) (103 Stat. 986); jointly, to the Committees on Appropriations and Agriculture.

1135. A letter from the Chairman and President, National Railroad Passenger Corporation, transmitting the Corporation's second management report, pursuant to Public Law 101-576, section 306(a) (104 Stat. 2854); jointly to the Committees on Government Operations and Energy and Commerce.

1136. A letter from the Acting Assistant Secretary for Environmental Restoration and Waste Management, Department of Energy, transmitting notification that the study of the safety of shipments of plutonium by sea will be delayed; jointly, to the Committees on Energy and Commerce, Natural Resources, Foreign Affairs, and Merchant Marine and Fisheries.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 995. A bill to amend title 38, United States Code, to improve reemployment rights and benefits of veterans and other benefits of employment of certain members of the uniformed services, and for

other purposes; with an amendment (Rept. 103-65, Pt. 1). Ordered to be printed.

Mr. ROSE: Committee of Conference. Conference report on H.R. 2. A bill to establish national voter registration procedures for Federal elections, and for other purposes (Rept. 103-66). Ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GIBBONS:

H.R. 1874. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 in order to increase the adequacy and efficiency of the private pension system (consisting of employer and individual retirement plans) by reducing pension vesting requirements, improving the portability of earned pension benefits, and encouraging the preservation of pension asset accumulations for use in retirement and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mrs. MINK:

H.R. 1875. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain domestic services under the unemployment tax; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI (for himself and Mr. GIBBONS):

H.R. 1876. A bill to provide authority for the President to enter into trade agreements to conclude the Uruguay Round of multilateral trade negotiations under the auspices of the General Agreement on Tariffs and Trade, to extend tariff proclamation authority to carry out such agreements, and to apply congressional "fast track" procedures to a bill implementing such agreements; jointly, to the Committees on Ways and Means and Rules.

By Mr. ACKERMAN (for himself, Mr. HYDE, Mrs. SCHROEDER, and Mr. SMITH of New Jersey):

H.R. 1877. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to prohibit group health plans which provide coverage of dependent children of participants from excluding from coverage dependent children placed with participants for adoption, irrespective of whether the adoption has taken effect, and to prohibit restrictions on coverage under such plans of such children solely on the basis of preexisting conditions at the time such children would otherwise become eligible for coverage; to the Committee on Education and Labor.

By Mr. ANDREWS of New Jersey:

H.R. 1878. A bill to amend the Occupational Safety and Health Act of 1970 to provide for uniform warnings on personal protective equipment for occupational use, and for other purposes; to the Committee on Education and Labor.

By Mr. ANDREWS of Texas:

H.R. 1879. A bill to modify the boundaries of Carlsbad Caverns National Park, and for other purposes; to the Committee on Natural Resources.

By Mr. BACCHUS of Florida:

H.R. 1880. A bill to mitigate the adverse effects on defense contractors and defense workers of reductions in defense spending; jointly, to the Committees on Armed Services, Small Business, Education and Labor, Energy and Commerce, Science, Space, and



Technology, and Banking, Finance and Urban Affairs.

By Mr. BERMAN (for himself, Mr. FORD of Michigan, Mr. WILLIAMS, and Mr. STARK):

H.R. 1881. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to promote fairness in administration of health insurance and other claims under employee welfare benefit plans and to improve enforcement under such title with respect to such plans; to the Committee on Education and Labor.

By Mr. BORSKI:

H.R. 1882. A bill to provide a 4 percent pay increase for Federal employees within the Philadelphia-Wilmington-Trenton, PA-NJ-DE-MD Consolidated Metropolitan Statistical Area; to the Committee on Post Office and Civil Service.

By Mr. DEFAZIO (for himself, Mr. FRANK of Massachusetts, Mr. MACHTLEY, Mr. SAXTON, Mr. ENGEL, Mr. MINETA, Mr. SMITH of New Jersey, Mr. BILBRAY, Mr. BOUCHER, Mr. HEFNER, Mr. CRAMER, Mr. RAHALL, Mr. SUNDQUIST, Ms. DANNER, Mr. POSHARD, Mr. FRANKS of Connecticut, Mr. SARPALIUS, Mr. TAYLOR of North Carolina, Mr. PARKER, Mr. STEARNS, Ms. NORTON, Mr. ZIMMER, Mr. WALSH, Mr. GEJDENSON, Mr. WELDON, Mr. SPENCE, Mr. EVANS, Mr. NEAL of North Carolina, Mr. TAUZIN, Mr. GILMAN, Mr. CLYBURN, Mr. COLEMAN, Mrs. VUCANOVICH, Mr. WAXMAN, Mr. STUMP, Mr. LAUGHLIN, Mr. KANJORSKI, Mr. MURPHY, Mr. MURTHA, Mr. GOSS, Mr. ANDREWS of New Jersey, Mr. HOCHBRUECKNER, Mr. ACKERMAN, Mr. PETERSON of Minnesota, Mr. DE LUGO, Mr. GORDON, Mr. CHAPMAN, Mr. MARKEY, Ms. MALONEY, Mr. SCHUMER, Mr. LIGHTFOOT, Mr. JOHNSON of South Dakota, Mr. GALLO, Mr. BEVILL, Mr. COMBEST, Mr. BACCHUS of Florida, Mr. HOBSON, Mr. WILSON, Mr. QUILLLEN, Mr. MARTINEZ, Mr. HUNTER, Ms. WOOLSEY, Mr. GILLMOR, Mr. CLINGER, Ms. THURMAN, Mr. SCOTT, Mr. FISH, Mr. WILLIAMS, Mrs. ROUKEMA, and Mr. PALLONE):

H.R. 1883. A bill to amend title II of the Social Security Act to provide for a more gradual period of transition (under a new alternative formula with respect to such transition) to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927 (and related beneficiaries) and to provide for increases in such workers' benefits accordingly, and for other purposes; to the Committee on Ways and Means.

By Ms. DELAURIO (for herself, Mr. DURBIN, Mr. SHAYS, and Mr. BACCHUS of Florida):

H.R. 1884. A bill to provide a Federal response to fraud in connection with the provision of or receipt of payment for health care services, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. DREIER (for himself and Mr. KING):

H.R. 1885. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for job creation and economic growth, to expand individual retirement accounts to encourage savings and investment, to restrain Federal spending, to require a cost analysis of new regulations, and for other purposes; jointly, to the Committees on Ways and Means, the Budget, the Judiciary, and Government Operations.

By Mr. ENGEL:

H.R. 1886. A bill to amend the Job Training Partnership Act to establish a program to assist discharged members of the Armed Forces to obtain training and employment as managers and employees with public housing authorities and management companies; to the Committee on Education and Labor.

By Mr. EWING (for himself, Mr. STENHOLM, Mr. ROBERTS, and Mr. EMERSON):

H.R. 1887. A bill to amend the Food Stamp Act of 1977 to identify and curtail fraud in the food stamp program, and for other purposes; to the Committee on Agriculture.

By Mr. GALLO:

H.R. 1888. A bill to amend title II of the Social Security Act to exclude from coverage any service performed by election officials or election workers only on election days; to the Committee on Ways and Means.

By Mr. GEKAS (for himself and Mr. KANJORSKI):

H.R. 1889. A bill to provide that certain hearings functions of the Merit Systems Protection Board be performed only by administrative law judges, and for other purposes; to the Committee on Post Office and Civil Service.

By Ms. PELOSI (for herself, Mr. GEPHARDT, Mr. BONIOR, Mr. ROSE, Mr. MOAKLEY, Mr. GILMAN, Mr. LEWIS of Georgia, Mr. RICHARDSON, Mr. STARK, Mr. CARDIN, Mr. LEVIN, Mr. SOLOMON, Mr. ABERCROMBIE, Mr. BACCHUS of Florida, Mr. BERMAN, Mr. BILBRAY, Mrs. CLAYTON, Mr. COOPER, Mr. CUNNINGHAM, Mr. DELLUMS, Mr. DURBIN, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. HEFNER, Mr. KASICH, Mr. KENNEDY, Mr. LANTOS, Mr. MARKEY, Mr. MARTINEZ, Mr. MILLER of California, Mr. MINETA, Mrs. MINK, Mr. MORAN, Mr. OLVER, Ms. SLAUGHTER, Mr. TORRICELLI, Mr. WAXMAN, Ms. WOOLSEY, Mr. WYNN, Mr. ANDREWS of Maine, Mr. BARTON of Texas, Mr. GONZALEZ, Mr. GORDON, Mr. MCCLOSKEY, Mr. RUSH, Mr. SERRANO, Mrs. UNSOELD, Mr. WOLF, Mr. HASTINGS, and Mr. ROHRBACHER):

H.R. 1890. A bill to extend to the People's Republic of China renewal of nondiscriminatory (most-favored-nation) treatment provided certain conditions are met; jointly, to the Committees on Ways and Means and Rules.

By Mr. GIBBONS:

H.R. 1891. A bill to provide tax treatment for foreign investment through a U.S. regulated investment company comparable to the tax treatment for direct foreign investment and investment through a foreign mutual fund; to the Committee on Ways and Means.

By Mr. HANSEN (for himself, Mr. ORTON, Mr. PASTOR, Mr. KOLBE, Mr. KYL, Mr. STUMP, Ms. SHEPHERD, Mr. THOMAS of Wyoming, and Mr. WILLIAMS):

H.R. 1892. A bill to amend the National Trails System Act to designate the Great Western Trail for potential addition to the National Trails System; to the Committee on Natural Resources.

By Mr. HANSEN (for himself, Mr. YOUNG of Alaska, Mr. DOOLITTLE, Mr. SMITH of Oregon, Mr. HEFLEY, Mr. DUNCAN, Mr. GALLEGLY, Mr. BAKER of Louisiana, Mr. CALVERT, Mr. POMBO, and Mrs. VUCANOVICH):

H.R. 1893. A bill to establish 5-year terms for, and require the advice and consent of the

Senate in the appointment of, the heads of the land management agencies; jointly, to the Committees on Natural Resources, Merchant Marine and Fisheries, and Agriculture.

By Mr. HERGER:

H.R. 1894. A bill to expand the boundary of the Modoc National Forest to include lands presently owned by the Bank of California, N.A. Trustee, to facilitate a land exchange with the Forest Service, and for other purposes; to the Committee on Natural Resources.

By Mr. JACOBS:

H.R. 1895. A bill to suspend until January 1, 1996, the duty on ixoxilan, and to extend until January 1, 1996, the existing suspensions of duty on ioxehol, iopamidol, and ioxaglic acid; to the Committee on Ways and Means.

H.R. 1896. A bill to suspend until January 1, 1998, the duty on certain composite diagnostic or laboratory reagents; to the Committee on Ways and Means.

By Mr. JEFFERSON (for himself, Mr. TRAFICANT, Mr. HOBSON, Mr. CRAMER, Mr. FRANK of Massachusetts, Mr. HEFLEY, Mr. WILSON, Mr. BONIOR, Mr. RAHALL, Mr. SCHIFF, Mrs. UNSOELD, Mrs. SCHROEDER, Ms. FURSE, Mr. COLEMAN, Mr. PETERSON of Minnesota, Mr. MATSUI, Mrs. JOHNSON of Connecticut, Mr. TOWNS, Mr. SISISKY, Mr. BLACKWELL, Ms. KAPTUR, Ms. PELOSI, Mr. DEFAZIO, Mr. EMERSON, Mr. MYERS of Indiana, and Mr. SPENCE):

H.R. 1897. A bill to amend title II of the Social Security Act to eliminate the reductions in Social Security benefits which are presently required in the case of spouses and surviving spouses who are also receiving certain Government pensions; to the Committee on Ways and Means.

By Mr. KIM:

H.R. 1898. A bill to provide that receipts and disbursements of the Highway Trust Fund, the Airport and Airway Trust Fund, the Inland Waterways Trust Fund, and the Harbor Maintenance Trust Fund shall not be included in the totals of the budget of the U.S. Government as submitted by the President or the congressional budget; jointly, to the Committees on Government Operations and Public Works and Transportation.

By Mr. LAUGHLIN (for himself, Mr. CALLAHAN, Mr. ANDREWS of Texas, Mr. BACCHUS of Florida, Mr. BACHUS of Alabama, Mr. BEVILL, Mr. BILIRAKIS, Mr. BLACKWELL, Mr. BOEHLERT, Mr. BORSKI, Mr. BROOKS, Mr. BROWDER, Mr. BRYANT, Ms. BYRNE, Mr. CHAPMAN, Mr. CLEMENT, Mr. COLEMAN, Mr. COSTELLO, Mr. CRAMER, Ms. DANNER, Ms. ESHOO, Mr. EVERETT, Mr. FIELDS of Texas, Mr. FROST, Mr. PETE GEREN of Texas, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. HAYES of Louisiana, Mr. HILLIARD, Mr. HUTTO, Mr. JEFFERSON, Mr. LIVINGSTON, Mr. MCCURDY, Mr. MONTGOMERY, Mr. OBERSTAR, Mr. ORTIZ, Mr. PARKER, Mr. PETERSON of Florida, Mr. PETRI, Mr. PICKLE, Mr. POSHARD, Mr. RAHALL, Mr. SANGMEISTER, Mr. SARPALIUS, Mr. SHAW, Mr. TANNER, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. TEJEDA, Mrs. THURMAN, Mr. WASHINGTON, Mr. WILSON, and Mr. WISE):

H.R. 1899. A bill to establish a Gulf of Mexico economic and environmental protection program, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Science, Space, and Technology.

By Mr. WILLIAMS (for himself, Mr. FORD of Michigan, Mr. CLAY, Mr. MILLER of California, Mr. MURPHY, Mr. KILDEE, Mr. OWENS, Mr. SAWYER, Mr. EDWARDS of California, Mr. BERMAN, Mr. WASHINGTON, Mr. PASTOR, Mr. SOLOMON, and Mr. SHAYS):

H.R. 1900. A bill to prevent abuses of electronic monitoring in the workplace; to the Committee on Education and Labor.

By Mr. LEWIS of Florida:

H.R. 1901. A bill to provide that receipts and disbursements of the Airport and Airway Trust Fund will not be included in the totals of the congressional budget or the budget of the U.S. Government as submitted by the President, and for other purposes; jointly, to the Committees on Public Works and Transportation, Government Operations, and Rules.

By Ms. LONG (for herself and Mr. MYERS of Indiana):

H.R. 1902. A bill to establish a computer education program for certain students; to the Committee on Education and Labor.

By Ms. MALONEY:

H.R. 1903. A bill to amend the Internal Revenue Code of 1986 to increase the credit for dependent care expenses; to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 1904. A bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to conduct a study of the economic impact of the use of bovine growth hormone on the dairy industry and the Federal milk price support program, to temporarily prohibit the sale of milk produced by cows injected with bovine growth hormone, and to require that the Secretary of Agriculture issue regulations temporarily requiring records to be kept by producers regarding the manufacture and sale of bovine growth hormone, and for other purposes; to the Committee on Agriculture.

H.R. 1905. A bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to reduce the price received by producers for milk that is produced by cows injected with bovine growth hormone, and for other purposes; to the Committee on Agriculture.

H.R. 1906. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the labeling of milk and milk products, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETERSON of Florida:

H.R. 1907. A bill to amend the Federal Water Pollution Control Act relating to civil penalties; to the Committee on Public Works and Transportation.

By Mr. RANGEL:

H.R. 1908. A bill to amend the Internal Revenue Code of 1986 to modify the tax treatment of cooperative housing corporations; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 1909. A bill to amend title IV of the Stewart B. McKinney Homeless Assistance Act to require operations of emergency shelters and transitional housing assisted under which such title to determine the immunization status of children under the age of 6 occupying such housing; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ROWLAND (for himself, Mr. HASTERT, Mr. DINGELL, Mr. FISH, Mr. CARR, Mr. MOORHEAD, Mr. MURTHA, Mr. MICHEL, Mr. SHARP, Mr. GINGRICH, Mr. ROGERS, Mr. SWIFT, Mr. McMILLAN, Mr. SLATTERY, Mr. STEARNS, Mr. MAZZOLI, Mr. HYDE, Mr. MOLLOHAN, Mr. PAXON, Mr. GLICKMAN, Mr.

FRANK of Massachusetts, Mr. BLILEY, Mr. DURBIN, Mr. STENHOLM, Mr. UPTON, Mr. HEFNER, Mr. SISISKY, Mr. HUNTER, Mr. LEHMAN, Mr. GALLO, Mr. JACOBS, Mr. SUNDQUIST, Mr. MCKEON, Mr. PORTER, Mr. SOLOMON, and Mrs. MEYERS of Kansas):

H.R. 1910. A bill to establish uniform product liability standards; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mrs. SCHROEDER:

H.R. 1911. A bill to amend title 5, United States Code, to provide for the reimbursement of expenses incurred by a Federal employee in the adoption of a child; to the Committee on Post Office and Civil Service.

H.R. 1912. A bill to amend title 5, United States Code, to provide that any carrier offering obstetrical benefits under the health benefits program for Federal employees must also provide benefits relating to certain "family-building procedures," and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SERRANO (for himself, Mr. BLACKWELL, Mr. CONYERS, Mr. FRANK of Massachusetts, Ms. LOWEY, Mr. RANGEL, and Mr. SCHUMER):

H.R. 1913. A bill to amend the Internal Revenue Code of 1986 to permit the issuance of mortgage revenue bonds to finance the sale of certain newly constructed 2-family residences; to the Committee on Ways and Means.

By Mr. SMITH of Michigan (for himself, Mr. BALLENGER, Mr. GRAMS, Mr. HOEKSTRA, Mr. HOKE, Mr. HORN, Mr. HUFFINGTON, Mr. LAZIO, Mr. SHAYS, Mr. SENSENBRENNER, Mr. SMITH of New Jersey, Mr. MCCRERY, Mr. TORKILDSEN, and Mr. WALKER):

H.R. 1914. A bill to amend the Federal Election Campaign Act of 1971 to reduce the influence of multicandidate political committees in elections for Federal office; to the Committee on House Administration.

By Mr. STUDDS:

H.R. 1915. A bill to amend title 46, United States Code, to require merchant mariners' documents for certain seamen; to the Committee on Merchant Marine and Fisheries.

By Mr. STUDDS (for himself, Mr. HOCHBRUECKNER, Mr. HOYER, Ms. SCHENK, Mr. JOHNSON of Georgia, Mr. KOPETSKI, Mr. MANTON, Mr. KREIDLER, Mrs. UNSOLD, Mr. McDERMOTT, Mr. FIELDS of Texas, Mr. YOUNG of Alaska, Mr. SWIFT, Mrs. MORELLA, Mr. RAVENEL, Ms. CANTWELL, Mr. LIPINSKI, and Mr. SAXTON):

H.R. 1916. A bill to establish a marine biotechnology program within the National Sea Grant College Program; to the Committee on Merchant Marine and Fisheries.

By Mr. TRAFICANT:

H.R. 1917. A bill directing the Secretary of Transportation to review commercial motor vehicle weight limitations in the State of Ohio, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. WISE:

H.R. 1918. A bill to reform the program of aid to families with dependent children; jointly, to the Committees on Ways and Means, Energy and Commerce, and Education and Labor.

By Mr. HANSEN (for himself and Mr. ORTON):

H.J. Res. 187. Joint resolution to designate the week of May 23, 1993, through May 29, 1993, as "International Student Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. McNULTY (for himself and Mr. SOLOMON):

H. Con. Res. 89. Concurrent resolution expressing the sense of the Congress regarding the primary author and the official "Home of Yankee Doodle"; to the Committee on Post Office and Civil Service.

By Mr. ENGEL:

H. Res. 160. Resolution expressing the sense of the House of Representatives that the United States should seek a final and conclusive account of the whereabouts and definitive fate of Raoul Wallenberg; to the Committee on Foreign Affairs.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

119. By the SPEAKER: Memorial of the Senate of the State of Nevada, relative to urging Congress to limit the acquisition of privately owned land and to return public land to private ownership; to the Committee on Agriculture.

120. Also, memorial of the House of Representatives of the State of Arkansas, relative to petroleum poisoning associated with Operation Desert Storm; to the Committee on Armed Services.

121. Also, memorial of the House of Representatives of the State of Montana, relative to granting commonwealth status to the people of Guam; to the Committee on Natural Resources.

122. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to mandating the Nuclear Regulatory Commission to require the placement of obstruction type barriers at the main entrance and entrances to protected areas at nuclear power plants; to the Committee on Natural Resources.

123. Also, memorial of the Senate of the State of Nevada, relative to the transmission of electricity to the Colorado River Commission; to the Committee on Natural Resources.

124. Also, memorial of the Senate of the State of Nevada, relative to grazing livestock on public lands; to the Committee on Natural Resources.

125. Also, memorial of the House of Representatives of the State of Washington, relative to naming the Hanford Arid Lands Ecology Reserve after Richard Fitzner and Les Eberhardt; to the Committee on Merchant Marine and Fisheries.

126. Also, memorial of the House of Representatives of the Commonwealth of the Mariana Islands, relative to legislation requiring suspension of licenses for individuals convicted of violations of the Federal Controlled Substances Act; to the Committee on Public Works and Transportation.

127. Also, memorial of the House of Representatives of the State of Idaho, relative to opposition to the Federal mandate of the revocation or suspension of driving privileges of convicted drug offenders; to the Committee on Public Works and Transportation.

128. Also, memorial of the House of Representatives of the State of Washington, relative to coastal economic recovery investment; jointly, the Committees on Merchant Marine and Fisheries, Public Works and Transportation, and Education and Labor.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:



H.R. 5: Ms. DANNER, Mr. HILLIARD, Mr. CLEMENT, and Mr. SARPALIUS.

H.R. 18: Mr. BARLOW, Mrs. MORELLA, Mr. PICKETT, Mr. BARRETT of Wisconsin, Mr. FORD of Michigan, Mr. SMITH of Oregon, Mr. SANDERS, Mr. BARCIA, Mr. FISH, Mr. TOWNS, Mr. SISISKY, Mr. BACHUS of Alabama, Mr. HOUGHTON, Mrs. VUCANOVICH, and Mr. MENENDEZ.

H.R. 59: Mr. PICKETT and Mr. LEACH.

H.R. 100: Mrs. VUCANOVICH.

H.R. 157: Mrs. BENTLEY.

H.R. 162: Mr. LEVIN, Mr. COLLINS of Georgia, Ms. FOWLER, Mr. GORDON, Mr. HEFLEY, Mr. INGLIS, Mr. KILDEE, Mr. KLINK, Mr. KOLBE, Mr. POMBO, Mr. SHUSTER, Mr. SPRATT, Mr. TRAFICANT, and Mr. TANNER.

H.R. 163: Mr. SAXTON.

H.R. 174: Ms. MCKINNEY and Mr. HAMBURG.

H.R. 214: Mr. PACKARD, Mr. BONILLA, Mr. DICKS, and Mr. LAZIO.

H.R. 299: Ms. BYRNE and Mr. LIPINSKI.

H.R. 304: Mr. CANADY.

H.R. 322: Mr. EVANS, Mr. OLVER, Mr. PALLONE, and Mr. SHAYS.

H.R. 325: Mr. BOEHLERT, Mr. PAYNE of Virginia, Mr. KANJORSKI, Mr. HAMILTON, Mr. BERMAN, Mr. WYDEN, Mr. WILSON, Mr. GOODLING, Mr. FORD of Tennessee, Mr. MCCLOSKEY, Ms. WOOLSEY, Mr. MEEHAN, Mr. HAMBURG, and Mr. MACHTLEY.

H.R. 326: Ms. MCKINNEY, Mr. KREIDLER, Mr. PAYNE of New Jersey, Mr. DICKS, Ms. VELÁZQUEZ, Ms. WOOLSEY, Miss COLLINS of Michigan, Mr. FINGERHUT, Mr. BURTON of Indiana, Mr. BRYANT, and Mr. GENE GREEN.

H.R. 357: Ms. DANNER, Mrs. CLAYTON, Mr. KOPETSKI, Mr. ROGERS, Mr. STUPAK, Mr. POSHARD, and Mr. SOLOMON.

H.R. 431: Mr. WYDEN, Mrs. LOWEY, Ms. NORTON, Mrs. MINK, Mr. DIXON, Mr. MARTINEZ, and Mr. RICHARDSON.

H.R. 464: Mr. SWETT.

H.R. 477: Mrs. MEEK and Mr. BONIOR.

H.R. 522: Mr. MINETA.

H.R. 535: Mr. LAZIO, Mr. MCCOLLUM, Mr. SHAYS, Mr. MINGE, Mr. SMITH of Oregon, Mr. JACOBS, and Mr. SUNDQUIST.

H.R. 536: Mr. GILLMOR.

H.R. 551: Mr. KING, Mr. INGLIS, Mr. LAZIO, Mr. GALLEGLY, Ms. DUNN, Mr. SOLOMON, Mr. MANZULLO, Mr. ROYCE, Mr. HOLDEN, Mr. HOCHBRUECKNER, Mr. GILMAN, and Mr. WILIAMS.

H.R. 553: Mr. ROGERS, Mr. FAWELL, and Mr. PETE GEREN.

H.R. 558: Mr. BLACKWELL, Mr. FINGERHUT, Mr. MCHALE, Mr. LAZIO, Mr. NEAL of North Carolina, and Mr. ROMERO-BARCELÓ.

H.R. 562: Mr. KLINK.

H.R. 563: Mr. KLINK.

H.R. 579: Mr. BROWN of Ohio and Mr. HALL of Ohio.

H.R. 591: Ms. FURSE, Mr. SWETT, Mr. RAMSTAD, and Mr. BURTON of Indiana.

H.R. 600: Ms. KAPTUR, Mr. WYNN, and Mr. TORRES.

H.R. 667: Mr. THOMAS of Wyoming.

H.R. 671: Mr. PASTOR, Mrs. MINK, Mr. CLYBURN, Ms. BYRNE, Mr. MINGE, Mr. KOPETSKI, and Mr. LANCASTER.

H.R. 676: Mr. HAYES.

H.R. 688: Mr. GEKAS, Mr. TALENT, Mr. FALEOMAVAEGA, Mr. PETERSON of Minnesota, Mr. TORKILDSEN, Mr. ACKERMAN, Mr. SMITH of New Jersey, and Mr. TOWNS.

H.R. 700: Ms. PELOSI and Mr. LANTOS.

H.R. 710: Mr. HUFFINGTON, Mr. SMITH of New Jersey, Mr. DE LUGO, Mrs. MEEK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCHALE, Mr. SCHIFF, and Mr. MINGE.

H.R. 723: Mr. BARRETT of Nebraska and Mr. PETE GEREN of Texas.

H.R. 749: Ms. LONG, Ms. HARMAN, Mr. EVERETT, Mr. TAYLOR of North Carolina, Mr. COBLE, and Mr. MCCLOSKEY.

H.R. 767: Mr. DICKEY, Mr. CRAMER, Mr. HANSEN, and Mr. BARLOW.

H.R. 786: Mr. KYL.

H.R. 799: Mr. HINCHEY, Mr. MCHUGH, Mr. TRAFICANT, and Mr. ISTOOK.

H.R. 802: Mr. RICHARDSON.

H.R. 823: Mr. COLEMAN.

H.R. 882: Mr. ORTIZ and Mr. BOEHLERT.

H.R. 886: Mr. BARLOW.

H.R. 911: Mr. BARRETT of Nebraska, Mr. STUMP, Mr. THOMAS of California, Mr. ZELIFF, and Mr. GALLO.

H.R. 930: Mr. EVANS.

H.R. 935: Mr. HASTINGS, Mr. RANGEL, Mr. MCCOLLUM, Mr. MCDERMOTT, Mr. MILLER of California, and Mr. JEFFERSON.

H.R. 947: Ms. KAPTUR, Mr. BROWN of Ohio, and Mr. BONIOR.

H.R. 959: Mr. FALEOMAVAEGA, Mr. MARKEY, Mr. TORRICELLI, Mr. SERRANO, Mr. WYNN, Mr. MCHALE, Mr. GOODLING, and Ms. WOOLSEY.

H.R. 962: Mr. GILLMOR, Mr. PICKETT, Ms. SNOWE, Mr. POSHARD, Mr. SARPALIUS, Mr. JACOBS, Mr. HILLIARD, Mr. BARTLETT, Mr. MINGE, Mrs. CLAYTON, Mr. McMILLAN, Mr. HUTCHINSON, Mr. BLILEY, Mr. MICA, Mr. ROSE, Mr. COLLINS of Georgia, Mr. STENHOLM, Mr. GREENWOOD, and Mr. LEACH.

H.R. 977: Mr. KLINK and Mrs. MEYERS of Kansas.

H.R. 986: Mr. SERRANO.

H.R. 1009: Mr. DEFazio.

H.R. 1036: Mr. KLECZKA, Mr. KANJORSKI, Mr. SHARP, Mr. FINGERHUT, and Mr. RIDGE.

H.R. 1080: Mr. EVERETT.

H.R. 1122: Mr. PACKARD.

H.R. 1123: Mr. PACKARD.

H.R. 1124: Mr. PACKARD.

H.R. 1126: Mr. PACKARD.

H.R. 1127: Mr. PACKARD.

H.R. 1128: Mr. PACKARD.

H.R. 1129: Mr. PACKARD and Mr. BUYER.

H.R. 1130: Mr. PACKARD.

H.R. 1141: Mr. ROSE, Mr. McNULTY, Mr. WHITTEN, Mr. TAYLOR of North Carolina, and Mr. PALLONE.

H.R. 1142: Mr. SOLOMON, Mr. GUNDERSON, and Mr. PENNY.

H.R. 1151: Mr. PASTOR, Mr. OBERSTAR, and Mr. CLAY.

H.R. 1163: Mr. DORNAN.

H.R. 1183: Mr. HERGER and Mr. POMBO.

H.R. 1188: Mr. FROST and Ms. EDDIE BERNICE JOHNSON.

H.R. 1195: Mr. BARRETT of Wisconsin, Mr. SISISKY, Mr. SENSENBRENNER, Mr. BARLOW, and Mr. THOMAS of Wyoming.

H.R. 1196: Mr. GUNDERSON, Mr. WALSH, Mr. FISH, Mr. BLACKWELL, Mr. EMERSON, and Mr. DIXON.

H.R. 1214: Mr. WYNN.

H.R. 1231: Mr. SANDERS, Mr. OLVER, Mr. VISCLOSKEY, Mr. BROWN of California, Mr. RAHALL and Mr. MINETA.

H.R. 1260: Mr. GLICKMAN.

H.R. 1274: Mr. COLEMAN.

H.R. 1275: Mr. INGLIS, Mr. SOLOMON, Mr. GINGRICH, Mr. GRAMS, Mr. ZELIFF, Ms. KAPTUR, Mr. SCHAEFER, and Mr. COX.

H.R. 1310: Mr. LEVY.

H.R. 1311: Mr. HOBSON, Mrs. VUCANOVICH, and Mr. KIM.

H.R. 1355: Mr. SOLOMON, Mr. CRANE, Mr. COBLE, Mr. LEHMAN, Mr. MACHTLEY, Mr. STENHOLM, Mr. WELDON, and Mr. PORTER.

H.R. 1392: Mr. ZIMMER, Mr. SAM JOHNSON, Mr. MINGE, and Mr. FRANKS of Connecticut.

H.R. 1395: Mr. SHAYS, Mr. GILCHREST, Mr. TORKILDSEN, Mr. LAZIO, Mr. FILNER, Mr. KIM, Mr. FINGERHUT, Ms. SHEPHERD, Mr. SWETT, and Mr. COPPERSMITH.

H.R. 1401: Mrs. JOHNSON of Connecticut.

H.R. 1440: Mr. POMEROY and Mr. ALLARD.

H.R. 1459: Mr. SOLOMON, Mr. HYDE, Mr. GINGRICH, and Mr. BARRETT of Nebraska.

H.R. 1460: Mr. HAMBURG.

H.R. 1464: Mrs. UNSOELD, Mr. HASTINGS, Ms. MALONEY, Mr. FILNER, Mr. FROST, Mr. HYDE, Ms. MEEK, Mr. RANGEL, Mr. SCOTT, and Mrs. CLAYTON.

H.R. 1493: Mr. LIPINSKI and Mr. PORTER.

H.R. 1526: Mrs. COLLINS of Illinois and Mr. BARRETT of Wisconsin.

H.R. 1538: Mr. ROMERO-BARCELÓ, Mr. BECERRA, and Mr. HINCHEY.

H.R. 1539: Mrs. CLAYTON and Mr. ENGLISH of Oklahoma.

H.R. 1555: Mr. OLVER.

H.R. 1565: Mr. EVERETT and Mr. ROGERS.

H.R. 1608: Mr. MONTGOMERY, Mr. MOAKLEY, Mr. BACCHUS of Florida, Mr. BAESLER, Mr. BARRETT of Wisconsin, Mr. BREWSTER, Mrs. CLAYTON, Mr. COLEMAN, Mrs. COLLINS of Illinois, Ms. DANNER, Mr. EDWARDS of California, Mr. EMERSON, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GILMAN, Mr. GINGRICH, Mr. HALL of Texas, Mr. HASTINGS, Mr. HINCHEY, Mr. HUGHES, Mr. KASICH, Mr. KING, Mr. KREIDLER, Mr. LIPINSKI, Mr. MCDERMOTT, Mr. MINETA, Mr. MURTHA, Ms. NORTON, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. RANGEL, Mr. SARPALIUS, Mr. SERRANO, Ms. SLAUGHTER, Mr. TUCKER, Mr. VALENTINE, Mr. WAXMAN, Mr. WOLF, and Mr. YATES.

H.R. 1640: Mr. KLEIN.

H.R. 1645: Mr. BECERRA, Mr. BEILSON, Mr. BERMAN, Mr. BROWN of California, Mr. DIXON, Mr. DOOLEY, Mr. DORNAN, Mr. EDWARDS of California, Ms. ESHOO, Mr. FAZIO, Mr. FILNER, Mr. LANTOS, Mr. LEHMAN, Mr. MARTINEZ, Mr. MILLER of California, Ms. PELOSI, Ms. ROYBAL-ALLARD, Mr. STARK, Mr. TORRES, Mr. TUCKER, Ms. WATERS, Mr. WAXMAN, Mr. McKEON, Mr. CUNNINGHAM, Mr. ROHRBACHER, and Mr. MCCANDLESS.

H.R. 1677: Mr. WYNN.

H.R. 1682: Mr. ZELIFF and Mr. BARRETT of Nebraska.

H.R. 1697: Mrs. COLLINS of Illinois, Mr. FILNER, Mr. PICKETT, Mr. WOLF, Mr. BILBRAY, Mrs. UNSOELD, Ms. DANNER, Mr. TOWNS, and Mr. PETE GEREN.

H.R. 1718: Mr. SISISKY.

H.R. 1725: Mr. ROGERS, Mr. GUTIERREZ, Mr. MCCREY, and Mr. JACOBS.

H.R. 1726: Mr. ARMEY, Mr. EVERETT, Mr. HOUGHTON, and Mr. CALLAHAN.

H.R. 1727: Ms. SLAUGHTER.

H.R. 1750: Mr. MCCANDLESS and Mr. CRAPO.

H.R. 1764: Mr. MOLLOHAN, Mr. STRICKLAND, Mr. BARRETT of Nebraska, Mr. ENGLISH of Oklahoma, and Mr. DURBIN.

H.R. 1766: Mr. LAUGHLIN, Mr. ENGLISH of Oklahoma, and Mrs. MINK.

H.R. 1767: Mr. MOLLOHAN, Mr. BATEMAN, Mr. ENGLISH of Oklahoma, Mr. PAYNE of Virginia, Mrs. CLAYTON, Mr. JACOBS, and Mr. STUPAK.

H.R. 1774: Mr. BARRETT of Nebraska, Mr. MOLLOHAN, Mr. LAUGHLIN, Mr. STRICKLAND, Mr. DURBIN, Mr. ENGLISH of Oklahoma, and Mrs. MINK.

H.R. 1776: Mrs. MEEK, Mr. TOWNS, Mr. BONIOR, Mr. EVANS, and Mr. ABERCROMBIE.

H.R. 1781: Mr. INGLIS and Mr. SMITH of Michigan.

H.R. 1790: Mr. DEUTSCH.

H.R. 1795: Mrs. COLLINS of Illinois, Mrs. MINK, and Mrs. MORELLA.

H.J. Res. 1: Mr. MEEHAN and Mrs. MINK.

H.J. Res. 44: Mr. EVERETT and Mr. ROGERS.

H.J. Res. 78: Mr. BALLENGER, Mr. BEILSON, Mr. BOEHLERT, Mr. CALLAHAN, Mr. CALVERT, Mr. COOPER, Mr. COSTELLO, Mr. DELUMS, Mr. FISH, Mr. GILMAN, Mr. GUNDERSON, Mr. HAMILTON, Mr. HINCHEY, Mr. KLEIN, Mr. MOLLOHAN, Mr. MORAN, Mr. NADLER, Mr. PARKER, Mr. REYNOLDS, Mr. ROTH, Mr.

SARPALIUS, Mr. SLATTERY, Ms. SLAUGHTER, Mr. TANNER, Mr. THOMAS of California, Mr. TORRES, Mr. UPTON, Mr. VISCLOSKEY, Mr. WILSON, and Mr. WYDEN.

H.J. Res. 106: Mr. CAMP and Mr. KREIDLER.

H.J. Res. 119: Mr. APPELGATE, Mr. BACCHUS of Florida, Mr. BREWSTER, Mr. KREIDLER, Mrs. MALONEY, Mr. MARTINEZ, Mr. McDERMOTT, Mrs. MINK, Mr. POSHARD, Mr. RICHARDSON, Mr. SABO, Mr. SLATTERY, Mr. TAYLOR of Mississippi, Mr. KINGSTON, Mr. McDADE, Mrs. MORELLA, and Ms. SNOWE.

H.J. Res. 122: Mr. COLEMAN, Mr. POSHARD, Mr. SOLOMON, Mr. CLEMENT, Mr. RAHALL, Mr. BLILEY, Mr. MCCOLLUM, Mr. TRAFICANT, Mr. ABERCROMBIE, Mr. RAVENEL, Mrs. MORELLA, Mr. PICKETT, Mr. HAMILTON, Mr. MORAN, and Mr. SPENCE.

H.J. Res. 124: Mr. PARKER and Mr. EVANS.

H.J. Res. 133: Mr. JOHNSON of South Dakota, Mr. BAESLER, Mr. GORDON, and Mr. HAYES of Louisiana.

H.J. Res. 153: Mr. SCOTT.

H.J. Res. 155: Mr. KASICH, Mr. SHUSTER, Mr. WOLF, Mr. McNULTY, Mr. ACKERMAN, Mr. MANTON, Mr. GENE GREEN of Texas, Mr. TORRES, Mr. KANJORSKI, Mr. HUGHES, and Mr. HOCHBRUECKNER.

H.J. Res. 166: Mr. COLEMAN, Mr. YATES, Mr. HINCHEY, Mr. BERMAN, Mr. KREIDLER, Mr. RUSH, and Mr. DEUTSCH.

H.J. Res. 167: Mr. EVERETT, Mr. CRAPO, Mr. SOLOMON, and Mr. BALLENGER.

H.J. Res. 175: Mr. MAZZOLI, Mr. FOGLIETTA, Mrs. MORELLA, Mr. PALLONE, Ms. MOLINARI, Mr. FILNER, Ms. PELOSI, Ms. LOWEY, Mr. TOWNS, Mr. BILIRAKIS, Mr. COYNE, Mr. NADLER, Mr. SUNDQUIST, Mr. KING, Mr. FORD of Tennessee, Ms. SLAUGHTER, Mr. HASTINGS, Ms. MALONEY, Mr. MACHTLEY, Mr. ACKERMAN, Mr. TORRICELLI, Mr. WASHINGTON, Mr. APPELGATE, Mr. FAZIO, Mr. QUINN, Mr. McNULTY, Mr. FROST, Mr. HUGHES, Mr. LIPINSKI, Mr. RANGEL, Mr. MORAN, Mr. GEKAS, Mr. MINETA, Mr. HOCHBRUECKNER, and Mr. KASICH.

H. Con. Res. 7: Mr. McKEON.

H. Con. Res. 14: Mr. WOLF, Mr. COSTELLO, Mr. HYDE, Mr. SANTORUM, Mr. WHEAT, Mr. BOEHLERT, Mr. ROSE, Mr. RAVENEL, Mr. CLEMENT, Mr. HOLDEN, Mr. JACOBS, Mr. LEACH, Mr. RAMSTAD, Mr. SHARP, Mr. FRANKS of New Jersey, Ms. DANNER, Mr. CHAPMAN, Mr. LaFALCE, Ms. KAPTUR, Mr. HANCOCK, Mr. YATES, Mr. STARK, Mr. COBLE, Mr. YOUNG of Alaska, Mr. ROBERTS, Mr. NEAL of Massachusetts, Mr. PARKER, Mr. WHITTEN, Mr. DORNAN, Mr. ROWLAND, Mr. PICKETT, Mr. GREENWOOD, Mr. SABO, Mr. KNOLLENBERG, Mrs. SCHROEDER, Mrs. LLOYD, Mr. KILDEE, Mr. MACHTLEY, Mr. LaROCCO, Mr. FAWELL, Mr. ARCHER, Mr. LANTOS, Mr. BONIOR, Mr. WYNN, Mr. INGLIS, Mr. EDWARDS of Califor-

nia, Mr. LEVIN, Mr. ANDREWS of Texas, Mr. KINGSTON, Mr. SENSENBRENNER, Mr. McMILLAN, Mr. TAUZIN, Mr. WELDON, Mr. COPPERSMITH, Mr. MICHEL, Mr. PETE GEREN, and Mr. ABERCROMBIE.

H. Con. Res. 20: Ms. KAPTUR, Mr. PARKER, Mr. ZELIFF, Mr. MINGE, Mr. STUPAK, and Mr. WYNN.

H. Con. Res. 29: Mr. WYNN.

H. Con. Res. 42: Ms. EDDIE BERNICE JOHNSON and Mr. HINCHEY.

H. Con. Res. 69: Mr. SARPALIUS, Mr. CRAPO, Mr. TAUZIN, Mr. CONYERS, Mr. BATEMAN, Mr. EVANS, Mr. SANGMEISTER, Mr. NEAL of North Carolina, and Mr. MINGE.

H. Con. Res. 70: Mr. CRAMER, Mr. ORTIZ, Mr. STUMP, and Mr. PORTER.

H. Con. Res. 79: Mr. RAMSTAD, Mr. WALSH, Mr. THOMAS of Wyoming, Mr. HANCOCK, and Mr. INGLIS of South Carolina.

H. Con. Res. 80: Mr. HASTINGS, Mr. GUTIERREZ, Mr. KILDEE, Mr. MFUME, Mr. MURPHY, Mr. THOMAS of Wyoming, Mr. PETERSON of Minnesota, Mr. ORTON, Mr. RAVENEL, and Mr. BROWDER.

H. Res. 32: Mr. LANTOS and Mr. HAMBURG.

H. Res. 38: Mr. THOMAS of Wyoming, Mr. GUNDERSON, Mr. MARKEY, and Mr. PORTER.

H. Res. 135: Mr. RAHALL, Mr. SABO, Mr. GILLMOR, and Mr. LaFALCE.



## EXTENSIONS OF REMARKS

VAT WOULD BE ECONOMIC  
DISASTER

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. KNOLLENBERG. Mr. Speaker, I strongly oppose a so-called value added tax or VAT. In virtually every country where a VAT has been implemented government has grown dramatically. I would like to share with my colleagues the attached article on the VAT by Bruce Bartlett. He is currently working on a study of the VAT for the Alexis de Tocqueville Institution.

Mr. Bartlett shows that in the past 25 years the level of taxation in the European Economic Community has risen dramatically. The reason is the VAT, which has been adopted by virtually every country in the EEC. I believe that the adoption of a VAT in this country would lead to the same dramatic growth in the size and power of the Federal Government.

[From the Wall Street Journal, Apr. 16, 1993]

NOT VAT AGAIN!

(By Bruce Bartlett)

It's no real surprise that the Clinton administration has suggested it will consider a value-added tax to fund our nation's health-care reform. The VAT is one of those ideas that pops up every few years as the cure for everything from the low rate of personal saving to the trade deficit. In years past it has not gotten very far, because there was not yet a critical mass of support for it. The new mood of "national sacrifice" means, however, that this critical mass may have been achieved and that the likelihood of a VAT in our future has become almost overwhelming.

What would prompt American consumers to back what, for their pocketbooks, is the equivalent of a national sales tax? One answer is the desire to promote saving. Now there seems to be a growing consensus among academic economists and within the business community that the U.S. ought to shift its tax system more toward a consumption-based tax system and away from the income tax. This is because a tax on income penalizes saving and investment in a way that consumption taxes do not.

## BEFORE WE BUY

A bipartisan commission representing both labor and business, chaired by Sens. Sam Nunn (D., Ga.) and Peter Domenici (R., N.M.), last fall recommended that the whole federal tax system be scrapped in favor of one that taxes only consumption, exempting all saving and investment. Sens. David Boren (D., Okla.) and John Danforth (R., Mo.) are reportedly working on such a plan.

Before we buy the idea of a Clinton VAT, though, we should remember that virtually every study that has ever found significant economic benefits from adoption of a VAT has assumed that it would replace some existing tax—for example, the corporate tax. Studies also frequently look at the VAT as a

new revenue source in comparison to increases in income tax rates. Since higher marginal tax rates are the worst possible way to raise additional revenue, because they penalize economic success, a VAT naturally looks better by comparison.

While it is certainly true that a wholesale replacement of the existing income tax system with a consumption-based tax would improve our economic performance, this is not really the option the Clinton administration is considering. In fact, the administration's own ideology would prevent that. Here's why: The academics' favorite schemes—such as rewriting the tax code to replace our current progressive income-tax scale with a pure consumption tax—would result in massive tax cuts for the rich and massive tax increases for the poor. (Everyone needs to spend on necessities, but such spending represents a greater share of the poor's income.)

Even exempting necessities such as food from the tax and instituting higher rates on luxury items cannot fully offset the regressivity. That would certainly not fit in with the administration's "tax the rich" and "make them pay for the 1980s" philosophy. Consequently, the only way a VAT could ever come about is as an additional revenue source. And that is the path the administration has chosen: It wants not only higher income taxes, but also a VAT to pay for widening the state's role in health care.

Should support for a VAT strengthen in coming weeks, VAT advocates will probably cite the experience of Europe to buttress their argument. In particular, it is frequently argued that a VAT will improve the trade balance. The reason for this is because the tax would apply to imports at the border but be rebated on exports. Thus it appears at first glance that a VAT penalizes imports while providing a de facto subsidy on exports.

In fact, a VAT does nothing either to penalize imports or subsidize exports. Since all domestically produced goods include the VAT, imposition of the tax on imports only puts imports and exports on the same footing; both are taxed equally. Similarly, while the VAT is rebated on exports, once they enter another country with a VAT the tax would again apply. Exports to countries without a VAT would be treated the same as they are now. Once again, imports and domestically produced goods would be on the same footing.

To be sure, it is certainly preferable from a trade standpoint to have a VAT instead of some other tax that is not rebatable. Some portion of corporate taxes, property taxes and other taxes paid by American businesses are obviously included in the prices of their goods and services. Insofar as companies in other countries do not pay such taxes or pay them at lower rates, they would have a competitive advantage over American firms. However, every country with a VAT also has these taxes as well, often at much higher rates than American firms pay.

Thus it is not surprising that adoption of the VAT by European countries failed to improve their trade balances. As Henry Aaron of the Brookings Institution notes in a study of the VAT in Europe: "Though much has

been made of the possible salutary effects on the balance of payments from adopting the value-added tax, there is . . . no evidence that it had any material impact on the balance of trade."

Equally misleading is the argument that is the driving force in the push for a VAT—that a VAT will improve the rate of saving. While there may be some small impact on saving from raising the cost of consumption relative to saving, the real impact on saving would come from using revenue from a VAT either to reduce the federal budget deficit or to lower taxes on capital. However, a "Hillary VAT"—a VAT dedicated to paying the health-care costs of America's uninsured citizens—will do neither. (In fact, widening the state's role as a health-care provider stands little chance of narrowing the budget deficit. Medicare and Medicaid, our two major existing state programs, have helped bring the deficit to its current level.)

Despite this, the Clinton administration will undoubtedly seek to widen support for its VAT by claiming that VAT revenues will serve two purposes—to pay for health care and to reduce the deficit. History, unfortunately, suggests that higher taxes seldom, if ever, lead to permanently lower deficits. Higher revenues simply finance higher spending. This was certainly the case in Europe.

As the figure illustrates, total taxes as a share of gross domestic product in the European Economic Community were only a little higher than in the U.S. in the mid-1960s. However, in the late 1960s virtually every country in Europe adopted a VAT. The result was that the share of taxes in national income in Europe rose steadily, year after year, while remaining relatively constant in the U.S. Taxes in Europe are now far higher than in the U.S., and most European countries continue to run budget deficits of similar magnitude to those in the U.S. as well.

While it is difficult to prove that the VAT caused taxes and spending to rise, there is strong evidence to support this view. For example, a recent study for the International Monetary Fund by David Mellor concluded that introduction of a VAT does increase the share of taxes in national income. The reason is that the introduction of a VAT, which requires collection of a tax at every stage in the manufacture of a product, builds tax bureaucracy substantially. The revenues from a cash cow like the VAT in turn build government and encourage government spending. (C. Northcote Parkinson's second law: "Expenditure rises to meet income.")

## THE ALLURE TO CLINTON

Even VAT supporters, such as Charles McLure of the Hoover Institution, concede the point: "If foreign experience is any guide, introduction of a VAT would facilitate growth in the relative size of the federal government, whether the VAT was initially introduced to raise additional revenue or only as a substitute for existing taxes."

It's not hard to see why the Clinton administration is tempted. The allure of the VAT is that it is the most efficient tax ever devised—it reduces output less per dollar raised than any other tax known. A VAT that raises the same revenue as our existing

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tax system would certainly lead to increased growth. However, its Achilles' heel is that it invariably leads to significantly higher tax levels for everyone over time. President Reagan said a VAT "gives the government a chance to blindfold the people and grow in stature and size." The higher tax burden probably negates most of the beneficial effects of the VAT. Before the U.S. considers a VAT for health care, deficit reduction or any other purpose, there must first be some guarantee that it will not become a pure money machine for a still-wasteful government.

TRIBUTE TO A PHILADELPHIA  
ARTIST

**HON. THOMAS M. FOGLIETTA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Mr. Reginald Beauchamp, for his lifetime of service to the city of Philadelphia. Donating his time, energy, and artistic talent, he has made Philadelphia a better place for all its citizens.

I best remember Reginald's fine journalistic work with the Evening and Sunday Bulletin in Philadelphia. It was always a pleasure to read any article under his byline. He has also generously donated his time to numerous other Philadelphia organizations, including the United Way, chamber of commerce, the Police Athletic League, and the Hero Scholarship Fund. The school children of Philadelphia have benefited from his creative energies as he spearheaded such programs as spelling bees, writing awards, scholastic press conferences, and the annual schools on parade showcase for Philadelphia's public and parochial schools.

Perhaps most importantly, Reginald has used his talents to beautify our great city. He has freely donated dozens of his artistic creations to all areas of Philadelphia both for esthetics and to honor numerous causes important to the community.

For all of his dedication to making the Philadelphia community a better place, I stand with his family, friends, and all the citizens of Philadelphia in honoring Richard Beauchamp. He is an example to us all.

TRIBUTE TO 1993 COMMUNITY DEVELOPMENT WEEK IN COOK COUNTY, IL

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize National Community Development Week which took place the week of April 5-11, 1993. Cook County, IL, is an active participant in the Community Development Block Grant [CDBG] Program which funds numerous social services, economic development, and housing programs in this community located within the Third Congressional District of Illinois.

Cook County, IL, recognizes that the Community Development Block Grant Program is a

solid partnership of Federal, local government, nonprofit, and community efforts. The services funded by the Federal CDBG Program, administered by the local governments and often delivered by local nonprofit organizations, relies heavily on the dedication and good will of all these combined efforts.

During National Community Development Week 1993, the residents of Cook County, IL, gave special thanks and recognition to all participants whose hard work and devotion to their neighborhoods and their residents help ensure the quality and effectiveness of the Community Development Block Grant Program.

Today, I would like to take this opportunity to acknowledge the outstanding work being done, both locally and nationally, by the Community Development Block Grant Program. I am sure that my colleagues join me in recognizing this worthwhile program and the great job that has been done all over the Nation and specifically in Cook County, IL.

JEANNETTE HERBERT, GOOD  
SAMARITAN

**HON. RICHARD E. NEAL**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, I would like to share the news of an award being given to a truly remarkable woman. Jeannette Herbert of Bellingham, MA, will be honored as Senior Mother of the Year in a ceremony Sunday, May 2, 1993.

For those who know Mrs. Herbert this recognition should come as no surprise. For the past 15 years of her retirement she has devoted all of her efforts to aiding the poor through the Edmundite Missions, a Catholic nonprofit organization based in Selma, AL.

Mrs. Herbert mails clothing and other goods three times a year to the mission. At Christmastime, she includes dolls and toys in her mailing. Jeannette became familiar with the Edmundite Missions when she was a young girl in Vermont.

Although she has spent many years helping the people at the mission, she only recently visited Selma. There she saw firsthand the effects of poverty and her efforts to help these people. She went back to Bellingham more determined than ever to aid these people in Selma.

Mr. Speaker, please join me in wishing congratulations to Mrs. Herbert for this well deserved award. May she continue her goal of helping the truly needy of this world.

TRIBUTE TO OUR NATION'S  
REGISTERED NURSES

**HON. JAMES A. TRAFICANT, JR.**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. TRAFICANT. Mr. Speaker, I rise today in honor of a sector of society that makes difficult times a little bit more bearable. Mr.

Speaker, I rise to pay tribute to our Nation's registered nurses.

Mr. Speaker, the week of May 3 represents National Nurses Week. The event will celebrate the 2.1 million registered nurses in the United States. They are our largest health care resource, able to provide 60-80 percent of primary and preventative care traditionally done by physicians. And, with the aging of the American population, the demand for their cost-effective, quality care is even greater. The U.S. Department of Labor projects the creation of nearly 350,000 new jobs for registered nurses by the year 2000.

Mr. Speaker, the health care system in this country may be in trouble, but the nurses of this country have delivered a solid century worth of care under rigorous conditions and with little complaint. I commend them for their selfless efforts on behalf of their fellow citizens. I join the rest of America in honoring these consummate professionals during National Nurses Week.

A TRIBUTE TO MARTIN  
GOLDSMITH

**HON. THOMAS M. FOGLIETTA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to honor Mr. Martin Goldsmith, the recipient of this year's Anti-Defamation League Torch of Liberty Award. Mr. Goldsmith has earned this award through his almost 20 dedicated years of service to the Albert Einstein Healthcare Foundation in Philadelphia. During his tenure, Mr. Goldsmith ensured that the foundation remained true to its origins, providing quality health care to all those in need, regardless of race, ethnic origins, or ability to pay. Mr. Goldsmith's selfless dedication to the pursuit of human rights and equal opportunity for all people is the essence of what the Torch of Liberty Award embodies. Rather than living for the moment, Mr. Goldsmith has worked toward a better future for all Americans.

Therefore, I rise with Mr. Goldsmith's family, friends, and colleagues to applaud his dedication to the principals of the Albert Einstein Health Foundation, for which he has been honored with the prestigious Torch of Liberty Award. The Philadelphia community is honored by his longtime service.

TRIBUTE TO MARIA HIGH SCHOOL  
MUSIC STUDENTS

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to a group of young ladies from Maria High School in Chicago, IL. Recently, six students participated in the Northshore Concert Band and Northwestern University Festival of Music which took place on Saturday, March 20, 1993, at the Regenstein Music Center at Northwestern's campus in Evanston, IL.



Monica Jendzio, senior; Audra Prialgauskas, sophomore; Amy Simmons, sophomore; and Katie Uznanski, freshman, each won First Division Medals. The girls are instructed by Maria's flute teacher, Miss Anna Belle O'Shea. In addition, Monica Jendzio received a First Division Medal for piano.

Amy Fiedor, senior, and Denise Mickalski, junior, won First Division Medals in the vocal section guided by their instructor, Sister Theresa Papsis.

Mr. Speaker, I would like to congratulate these students for their fine performances and I wish them all the best for the years to come.

**JUDGE FRANCIS J. LARKIN,  
PUBLIC SERVANT**

**HON. RICHARD E. NEAL**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1993*

Mr. NEAL of Massachusetts. Mr. Speaker, it is with great pleasure that I rise to pay tribute to a man who has been a shining light in the judicial sector of this Nation. It is with great pride that we honor Judge Francis J. Larkin, a man who has accomplished great things as a judge, an educator, and in his church community.

Francis J. Larkin, a native of Milford, MA, graduated from Holy Cross College in 1954, and went on to attend the Georgetown University Law Center where he graduated with honors. Upon graduation, he was immediately appointed to the faculty and received a master of laws degree in 1958.

Subsequently, Judge Larkin joined the U.S. Army and served 3 years as a member of the Army's Judge Advocate General's Corps, leaving active duty in 1961 with the Secretary of the Army's Commendation Medal. Francis has remained active in the Army Reserve since his separation from active duty and presently holds the rank of colonel. He is the senior U.S. Army Reservist trial judge and has lectured widely, in this country and in Europe, on trends and developments in military law.

Following his discharge from the service, he served as a clerk with the Honorable John Hartigan on the U.S. Circuit Court of Appeals for the First District. In 1963 he was asked to join the faculty at the Boston College Law School as assistant dean and assistant professor of law, being promoted later to associate dean, and full professor.

Judge Larkin served 22 years as a member of the Trial Court of the Commonwealth of Massachusetts [Milford District Court] and as a member of the appellate division of the district court department. For over 15 years he has edited the Judges Journal, the national publication of the Judicial Administration Division of the ABA. Under Judge Larkin's leadership this journal has won several notable national awards.

By appointment of the president of the American Bar Association, Judge Larkin currently serves as chairman of the ABA's standing committee on association communications. In this capacity he has led the committee charged with coordinating all Law Day-U.S.A. events throughout the Nation. In 1991, he was

invited by President Bush to the White House to attend the formal signing of the official Law Day Proclamation.

Judge Larkin is a member of the ABA's 60-member executive-nominating-committee which is responsible for the selection of the president of the American Bar Association and its other officers. He has served on the faculty of Anna Maria College and, in recent years, has taught at the National College of the Judiciary, at Reno, the Army's Judge Advocate General's School at Charlottesville, VA, and the Naval Justice School at Newport, RI.

On November 1, 1992, Judge Larkin received the Distinguished Jurist Award and Medal of the St. Thomas More Society of the Worcester County Bar Association. He has been chosen as a Knight of the Holy Sepulcher and is a patron of the Vatican Art Museum.

For more than 20 years, Judge Larkin has been a member of the board of directors of Catholic Charities of the Archdiocese of Boston. On January 15, 1993, he was invested in the American Association of the Master Knights of the Sovereign Military Order of Malta in New York. It is the highest honor bestowed from the Vatican in Rome, Italy.

Mr. Speaker, I salute Judge Francis J. Larkin for his many years of service to the community as an educator and a judge. Francis is a man who has given of himself through his integrity, his talents, and his church. Mr. Speaker, today we honor Judge Francis J. Larkin, a model public servant who, throughout his career, has contributed tremendously to the justice system in this Nation and aided our understanding of it.

**TRIBUTE TO WILLIAM DOWD  
PACKARD**

**HON. JAMES A. TRAFICANT, JR.**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1993*

Mr. TRAFICANT. Mr. Speaker, I rise in honor of a man with a dream when it came to music. He loved marches, military music, and the men who played it. But, Mr. Speaker, most importantly, William Dowd Packard loved the city of Warren, OH.

Mr. Speaker, when Mr. Packard wrote his will in 1920—3 years before his death—he made sure that his dream of keeping music alive in Warren would come true after he had passed on. Now, 70 years later, his dream has become an important part of the cultural and entertainment life in the Warren area.

Mr. Packard and his brother formed a company in 1890 to produce incandescent carbon-arc lamps and transformers. In 1899, they built the first automobile bearing the Packard name—a car which quickly became a respected name in the automotive industry. It also led to Packard developing a new product, automotive ignition cable. In 1903, the automobile business was moved to Detroit, but the cable and manufacturing business remained in Warren. The Packard Electric Division of General Motors Corp. is still one of the area's largest employers. Mr. Packard's commitment to his community was evident in 1911, when he

gave land to the city of Warren from the family property to be used as a park, replete with ponds, shelter houses, and gardens.

In his will, Packard designated that funds would be set aside in a trust to build a music hall and finance the establishment of a band to play in it for the "edification and entertainment of the people of Warren." The Packard Music Hall officially opened October 15, 1955, at a cost of \$1.4 million.

Today, the hall is the center of cultural and entertainment programs in the Warren area. It has hosted everything from wedding receptions and small gatherings to gala balls and, of course, the free Packard Band concerts. For two decades the hall gained national recognition as the home of the Kenley Players. It also served as a temporary home for hundreds of Warren residents who were flooded out of their homes in 1959.

Mr. Speaker, W.D. Packard gave a community in my district a gift which will last a lifetime. If it is true that music feeds the soul, Warren has been truly enriched.

**TRIBUTE TO LEON S. COHAN**

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1993*

Mr. DINGELL. Mr. Speaker, I am pleased and honored to pay tribute, on behalf of my Michigan colleagues, to Leon S. Cohan on his impending retirement from the Detroit Edison Co.

On May 31, 1993, Leon ends a long and successful career divided between public service—as the longest-serving deputy attorney general in Michigan history—and private industry, where he has been Detroit Edison's general counsel, a trusted advisor to three chief executive officers, and the founder and guiding force behind his company's government relations organization. This organization, under Leon's guidance, has given valuable assistance to my colleagues in the Congress as we have struggled with difficult energy legislation over recent decades. Leon's influence was always evident in the honesty and candor of Detroit Edison testimony and in the integrity of the responses provided to our information requests.

But perhaps Leon Cohan's greatest contribution to the community has been as a committed private citizen. The makeup of this dear man is reflected perfectly in the causes to which he has been committed and the passion with which he has pursued them: Racial and religious harmony and respect for all people; support for the arts so that their benefits might be available to all; ethics in our government institutions and leaders; and research to treat and end the horrible disease of cancer.

Leon has dedicated himself to bringing people of diverse backgrounds and deep-seated suspicions together—as a member of the Race Relations Council of Metropolitan Detroit, as three-term president of the Jewish Community Center of Metropolitan Detroit, and as one who has always been ready to mediate differences. His service in this regard has been recognized with: The NAACP-Detroit

Branch's Judge Ira W. Jayne Award, given annually to a person outside the black community who has given outstanding service that builds and benefits all segments of the Detroit community; the Israel Histadrut Menorah Award for leadership and achievements; the Fellowship Award of the American Arabic and Jewish Friends of Metropolitan Detroit; the Knights of Charity Award from the Pontifical Institute for Foreign Missions; the Judge Learned Hand Award, from the Institute of Human Relations of the American Jewish Committee, for outstanding service that has benefited the community; and election to the international Heritage Hall of Fame by the Friends of the International Institute of Metropolitan Detroit.

In support of the arts, he has served as: chairman of the Michigan Council for the Arts; a member of the Arts Commission of the City of Detroit, which is the governing body of the Detroit Institute of Arts; director of the University of Michigan Musical Society; director of the Concerned Citizens for the Arts in Michigan; and, most recently, founder and president of the Arts Action Alliance.

In recognition of his outstanding contributions he has received the Governor's Arts Award for Civic Leadership in the Arts.

Leon received a gubernatorial appointment to the State Board of Ethics in 1973 and served with distinction on that board for nearly 20 years, the last 5 as chairman.

In fighting cancer he served three terms as chairman of the board of trustees of the Michigan Cancer Foundation and was honored by the foundation with lifetime membership on its board.

Leon has received the Distinguished Alumni Award from the Wayne State University Law School and the Distinguished Service Award of the Wayne State University Board of Governors.

Earlier this month he was named a "Michiganian of the Year" by the Detroit News.

Leon also has been a friend and mentor to scores of men and women in government service, in industry and in their personal lives. Many are now in leadership roles throughout our Nation. I dare say that everyone who has been touched by Leon Cohan has been a better person for it.

I am pleased and honored to pay these respects to a dedicated servant of the community and my good friend, Leon Cohan.

GOVERNMENT IS BEST WHICH GOVERNS LEAST

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. SOLOMON. Mr. Speaker, every once in a while we encounter a newspaper column which, in a mere few words, gets right to the bottom of what's gone wrong in this country.

Thomas Sowell's recent column about the unwarranted growth of the Federal Government was printed in the April 24 Albany Times-Union, the largest daily newspaper in our district.

The record of history is clear, Sowell writes. The growth of government is the worst thing that could happen to a nation. But I will let Sowell speak for himself.

GOVERNMENT IS BEST WHICH GOVERNS LEAST

There was a special irony in President Clinton's talk on the occasion of the 150th anniversary of the birth of Thomas Jefferson. Although Slick Willie tried to suggest that Jefferson would be supporting his programs if he were alive today, it was Jefferson who said: "That government is best which governs least."

Obviously, the Clintons believe that that government is best which governs most—which fixes prices, raises taxes, and mandates all sorts of programs on all sorts of businesses and professions.

History is all on the side of Jefferson, however.

Many of the great intellectual, scientific, and technological advances which we associate with the West originated in fact in Asia. But much of Asia had far more powerful governments, controlling much larger regions, than the governments of medieval Europe. The net result was that the stifling influence of government control was much less effective in Europe, which took many of these Asian discoveries and inventions and developed them far beyond the levels reached in the lands where they originated.

China, for example, had clocks before Europe and for some time its clocks were more advanced than those of Europe. However, the Chinese government kept these clocks for itself and did not let them out among the masses. In Europe, however, no government of that era covered as vast an area as the Chinese empire, nor was its control as secure and pervasive where it did govern.

There was no way for the anointed to keep the clock to themselves in medieval Europe. Cities and towns began building clock towers all over the continent. As they competed with one another for distinction, numerous little improvements were made here and there—and eventually clocks in Europe became better than clocks in China.

Whether in Europe or Asia, governments love to control things. Asia, however, had the misfortune to develop large and strong governments before Europe—which is to say, they could stifle their own people's creativity more effectively than European governments could.

Sometimes governments in Asia and the Middle East were wise enough to ease up on their people, in order to promote prosperity and increase the government's revenue without having to raise the tax rates. But what required wisdom in Asia often required only insufficient government power in medieval Europe, where fragmented sovereignties resulted from feudal barons and the competing power of the Catholic church, later further fragmented by the rise of Protestantism.

By and large, governments governed less in medieval Western Europe than in China, India, or the Ottoman Empire because they had no choice. European governments had price controls, protectionism, and all sorts of other monkeying with the economy centuries ago—just what the Clinton administration wants to do today in the name of "change"—but fortunately many of these government controls were more easily evaded in those days.

In many parts of Europe, elements of the free market came into existence long before Adam Smith came along in the eighteenth century to expose the economics fallacies and political chicanery behind government economic controls.

Where government controls have been effective—whether in Europe, Asia, Africa, or the Western Hemisphere—they have been devastating in their impact. High taxes, economic controls, and price-fixing have left wrecked economies and hungry people in their wake for hundreds of years and among people of every color, language, and religion.

Even today, Russia faces an economic crisis because it has not allowed free market institutions to develop. In terms of its natural resources, including oil and gold, Russia is one of the richest countries on earth. But no one in his right mind would invest the billions of dollars needed to develop that wealth without being assured of property rights and freedom from confiscatory taxation and nationalization policies.

The same is true in much of the Third World, where people are living in poverty on top of immense mineral wealth and in the midst of fertile land and favorable climates.

The only clear beneficiaries of activist government policies are the people in government, whose egos are allowed full play, to use the rest of the people as guinea pigs for their bright ideas and social experiments.

There was a reason why Thomas Jefferson said, "That government is best which governs least." Unfortunately, there are also reasons why petty egotists like Bill Clinton and Hillary want to get their hands on the levers of power and run our lives for us.

POLL WORKERS HONORED

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GALLO. Mr. Speaker, every time an election is held anywhere in America, our local election officials rely on the services of scores of men and women—many of them senior citizens—to staff the polling places and ensure the integrity and fairness of the election process.

Each dedicated poll worker puts in a very long day and receives minimal pay for their work. Every poll worker I've ever met was working at the polling place out of a sense of civic duty and patriotism. We could not run our democracy without these people.

But, since 1991, in accordance with the 1990 Budget Reconciliation Act, any poll worker who receives more than \$100 a year in compensation—and that is most of them—is subject to 7.65 percent Social Security [FICA] withholding tax. Those who work at the polls are offended by this petty bureaucratic exercise—and I don't blame them.

Many poll workers are resigning rather than pay this tax. One wrote to a local election official in my district, saying:

As a senior citizen who has worked on the polls for many years I must protest the tax taken from my pittance called salary. \* \* \* I am 79 years old and have no deduction. This tax was taken from my non-taxable funds. If this policy is to continue, I have worked my last election.

Another wrote:

You can count me out in the future if this is the way it is to be. We get little enough for 14 hours whether we're busy or not. Most of us are senior citizens who really are volunteering our time and effort—and then we



are to pay tax on it or even have to go through the process of getting a refund? Not this volunteer.

I believe it's time to show our election day poll workers that we respect and appreciate the contribution they are making to help our democracy work. That is why I am today introducing legislation that would exempt election day workers from FICA withholding.

I urge my colleagues to join me by cosponsoring this much-needed legislation.

#### A TRIBUTE TO 50 YEARS OF HAPPINESS

#### HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to help celebrate the 50th wedding anniversary of James and Eunice Lee Banks Brodie, residents of Chester, PA. Joined in holy matrimony on April 15, 1943, James and Eunice help us to reaffirm our faith in the sanctity of marriage, and remind us of the true meaning of the word commitment. Along with their two daughters, Eunice Paulette and Valerie, they have formed a stable, loving, and lasting family, at a time when the American family is supposedly in decline.

So on this wonderful day, I rise with the friends and family of James and Eunice Brodie to celebrate their golden anniversary and wish them many more happy anniversaries in the future.

#### TRIBUTE TO ENID TOUHY

#### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today with a sense of loss after the death of Enid Touhy. Mrs. Touhy was a resident of the Third Congressional District of Illinois.

Mrs. Touhy's entire life was simply about caring, helping, and giving. She was a friend or a mother to nearly everyone she touched. Perhaps the childhood she spent in an orphanage fostered her sensitivity toward others. Enid taught all those with whom she came in contact how to live by example. Her constant acts of kindness were overwhelming and her gentleness of spirit was a source of sunshine to all those who knew her.

We remember Enid today, and all the wonderful things she contributed to our community. Her presence in our lives will be deeply missed.

Enid is survived by her six children: Kathy, Tim, John, Dan, Sue, and Pat.

Mr. Speaker, as I rise today to recognize Enid Touhy, I wish to honor the memory of this exceptional woman. I hope my colleagues will join me and my constituents in saluting her.

#### SPRINGFIELD PUBLIC SCHOOLS TOM RUSSO HONORED AS EAST- ERN DISTRICT ATHLETIC DIRECTOR OF THE YEAR

#### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. NEAL of Massachusetts. Mr. Speaker, being an educator is one of the most important professions. As a former educator I rise today to pay tribute to an outstanding resident of my district, Mr. Tom Russo.

Springfield resident Thomas Russo was honored on March 22, 1993 as the eastern regional winner of the National Council of Secondary Schools [NCSSAD] award program by the National Association for Sport and Physical Education [NASPE] at its national convention in Washington, DC. At the convention, Mr. Russo competed with four other district winners from around the country for the National Athletic Director of the Year Award.

The list of Tom Russo's accomplishments is long and impressive. Besides his serving the Springfield Public Schools as supervisor of athletics for the past 16 years, Mr. Russo recently completed his term as president of the Massachusetts Interscholastic Athletic Administrators Association. He is also a member of the District F Athletic Directors Association, Massachusetts Secondary Schools Athletic Directors Association, and Pioneer Valley Interscholastic Athletic Conference executive board.

Besides being an outstanding educator and administrator of athletic programs, Tom Russo has made his life an example to others as a person who gives to his school and community. In his hours of tireless and selfless work he has improved the lives of students who learn that teamwork extends into their lives, and does not end on the playing field.

Mr. Speaker, I salute Tom Russo for his dedication to school athletics and the students who compete in them; and congratulate him on being honored with the National Council of Secondary Schools Athletic Directors Award.

#### LEGISLATION TO REVIEW MOTOR VEHICLE WEIGHT LIMITATIONS, THE STATE OF OHIO

#### HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to direct the Secretary of Transportation to review the Federal and State commercial motor vehicle weight limitations applicable to Federal-aid highways in the State of Ohio. Under this legislation, if the Secretary of Transportation determines, on the basis of his review, that it is in the public interest, the Secretary shall waive application of the vehicle weight limitations of section 127(a) of title 23, United States Code in the State of Ohio for short wheel-base vehicles for such period as the Secretary determines may be necessary to permit a reasonable period of

depreciation for short wheel-base vehicles purchased before October 1, 1991. These limitations were approved by Congress as part of the Intermodal Surface Transportation Efficiency Act [ISTEA] of 1991. The bill would also provide a moratorium on the withholding of any Federal highway money to the State of Ohio until the Secretary makes a determination on whether or not to grant Ohio a waiver.

Mr. Speaker, failure to approve this measure will have a damaging impact on Ohio's trucking industry. Following the enactment of ISTEA on October 1, 1991, Ohio was required to adopt the motor vehicle weight limitations of the Federal bridge formula by October 1, 1992, or face losing its apportionment of Federal highway funds. The Ohio Department of Transportation issued 8-month temporary permits to those trucking companies with equipment not in compliance with the new weight limitations. These permits expire at the end of May 1993.

According to the Ohio Trucking Association, 10,000 trucks in Ohio are affected by the new weight limitations. Under the Federal bridge formula, many Ohio trucking companies will have to underload their vehicles—damaging their profits in an industry that already has a narrow profit margin of about 2 percent.

The trucking companies affected made decisions—prior to enactment of ISTEA—to purchase equipment based on what Ohio law was at the time of the purchase. Since Ohio has been forced to adopt the Federal bridge formula, companies that made purchases of legal equipment now find that much of their equipment no longer meets State standards. It is only fair that these companies be allowed a reasonable period of time to depreciate this equipment, before being forced to purchase new equipment or make alterations on their existing vehicle fleet.

Many of these trucking companies not only ordered equipment prior to the implementation of the law, they also signed contracts to move a specific amount of freight at a given price. If a waiver is not granted, as of June 1, 1993 these companies will no longer be able to move that freight for the price they contracted for.

Mr. Speaker, the bottom line is, if a reasonable phase-in period is not granted, numerous trucking companies in Ohio will be driven out of business. Approval of this legislation will save jobs and ensure that trucking companies are not unfairly penalized. I urge all of my colleagues to support this legislation.

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. VEHICLE WEIGHT LIMITATIONS IN THE STATE OF OHIO.

(a) REVIEW.—The Secretary of Transportation shall review the Federal and State commercial motor vehicle weight limitations applicable to Federal-aid highways in the State of Ohio.

(b) WAIVER AUTHORITY.—If the Secretary of Transportation determines, on the basis of the review conducted under subsection (a), that it is in the public interest, the Secretary shall waive application of the vehicle weight limitations of section 127(a) of title 23, United States Code, in whole or in part, to highways on the Dwight D. Eisenhower System of Interstate and Defense Highways

in the State of Ohio for short wheel-base vehicles for such period as the Secretary determines may be necessary to permit a reasonable period of depreciation for short wheel-base vehicles purchased before October 1, 1991.

(c) **MORATORIUM ON WITHHOLDING OF FUNDS.**—Until the Secretary of Transportation makes a determination relating to public interest under subsection (b), the Secretary shall not withhold funds under section 127(a) of title 23, United States Code, from apportionment to the State of Ohio for failure to comply with such section.

#### SEC. 2. TECHNICAL AMENDMENT.

Section 127(d)(1)(E) of title 23, United States Code, is amended by striking "July 5, 1991" and inserting "July 6, 1991".

### HEARST COLUMN ON VAT TELLS IT LIKE IT IS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. SOLOMON. Mr. Speaker, I've been warning constituents in the 22d District of New York about the so-called "value-added" tax, or VAT, and I hope other Members are doing the same thing.

The best analysis I've seen of the VAT is the recent column of publishing giant William Randolph Hearst, Jr. It was printed last Sunday, April 25, in the Albany Times-Union, the largest daily in our district. I urge all Members to read it, because once you do, you will find it hard to support this ill-conceived plan to burden the already hard-pressed American taxpayer.

#### VAT TAX WILL DAMAGE THE U.S. ECONOMY

(By William Randolph Hearst, Jr.)

NEW YORK.—My experience has been to watch out when government officials promise that a proposed new tax will be applied in a way that causes the least possible pain.

So I'm skeptical about assurances that the so-called value-added tax, if enacted into law, would be light and wouldn't be imposed on many necessities like food.

Taxes, once on the books, tend not only to stay there but to become wider in scope. I think this would especially turn out to be the case for a "hidden" levy like the value-added tax which people are rarely conscious they are paying.

During the past few months, I've devoted a couple of these columns to the issue of the value-added tax or, as it is called for short, the VAT. I thought I was done with the matter because President Clinton, after due consideration, seemed to agree with me that it was a bad idea and to have dropped it as a possible method of financing the administration's health care reforms.

But now reports from Washington suggest that he has changed his mind and is giving the VAT another look. This has led me to return to the subject one more time, even at the risk of boring some of my readers. In my view, the issue is just too important for Americans to be ignored.

The value-added tax has existed in Western Europe, first in France and then the rest of the European Community, for the past 40 years. My informants over there tell me that everywhere it has been imposed it has led to an immediate leap in the prices ordinary

people pay for practically everything. They say that thereafter it also has been a major contributor to the persistent inflation that most of Europe has suffered from—inflation much more severe than our own.

Those who are advocating a VAT for this country like to describe it as just another form of sales tax. They argue that, since we already have state and city sales taxes, a new one at the federal level would not be all that new or different.

However, Bernard D. Kaplan, who writes on international affairs for our newspapers from Paris, reminded me in a memo last week that the VAT is far more than a simple sales tax. What it really represents, he pointed out, is a wholly new philosophy of taxation, unknown up to now in America.

The VAT taxes goods at every stage of production from raw material to finished product and, then, slaps on the tax one last time to the consumer. In Europe, it has also come to be imposed on most forms of services. Electricians and plumbers are obliged to add a VAT to their bills.

The average VAT rate over there is 15 per cent. In some countries and on some items, it's twice that. The first thing that European governments tend to do when they find themselves in financial straits is to hike the VAT rate and extend it to more things. The British government did just that last month.

Kaplan tells me that European bureaucrats think VAT is the greatest tax ever invented. It's virtually evasion-proof. But, more important from the government's point of view, taxpayers are usually unaware of how much value-added tax they're actually paying. Unlike our sales taxes, the amount that the VAT adds to the overall cost of a car or a box of cornflakes is never clearly specified in the final bill.

Western Europe's high production costs have increasingly handicapped its exports. Its share of world markets has been shrinking. Kaplan says a growing number of European economists put at least some of the blame for this on the inflationary pressures caused by the VAT system.

By contrast, America's well-contained inflation and relatively low-cost production have been major factors in the remarkable expansion of our exports in recent years.

A more effective and fairer system of health care for all Americans has to be created and paid for. No argument exists about that.

But it would be self-defeating, to say the least, to finance health care reform through a form of taxation that would ultimately damage the U.S. economy. A VAT is not the right prescription. It's bad medicine.

#### THE BASE CLOSURE PROCESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 7, 1993, into the CONGRESSIONAL RECORD:

#### THE BASE CLOSURE PROCESS

The base closure process for 1993 is now under way. It is the third round of closings since 1988. The 1988 and 1991 lists closed, in part or in whole, 125 military installations, including the Jefferson Proving Ground, Grissom Air Force Base and Ft. Benjamin

Harrison in Indiana. The Indiana Army Ammunition Plant has been inactivated outside the formal base closure process. This year's list will be followed, under current law, by a final round in 1995.

What has been proposed? Defense Secretary Aspin recommended on March 12, 1993 that 31 major military installations be closed and that 12 others be realigned to support a smaller and less costly force structure. In addition, Aspin announced recommendations for the closure, realignment and disestablishment of 122 other small bases and activities. This round of base closures and realignments is projected to save \$3.1 billion per year starting in 2000 and reduce DOD employment by 24,000 military and 57,000 civilian personnel nationwide.

Why were these recommendations made? Secretary Aspin said these closures are necessary because there is no way to downsize the military without closing military bases. Thus far, base closures have not kept pace with the overall reductions in defense. The defense budget will decline by more than 40% from 1985 to 1997, and military personnel in the U.S. will be reduced by about 30%. In contrast, base closings agreed to in 1988 and 1991 will reduce the domestic base structure by 9%. Aspin's proposals would raise that figure to 15%.

What is the closure process? Secretary Aspin's closure list will undergo a vigorous review process. A bi-partisan Base Closure and Realignment Commission is now holding hearings on the list; the list will also be analyzed by the General Accounting Office. The Base Closure Commission will report to President Clinton with its own set of recommendations by July 1. The President will then have until July 15 to accept or reject the Commission's findings. If the list is rejected, the Commission will have until August 15 to submit a second list to the President. If the President accepts the original or revised list, he will then submit the list to Congress. From that point, Congress will have 45 days to consider the recommendations and reject them by joint resolution if it so chooses. If Congress does not act, or the resolution fails in either house, the Secretary of Defense may proceed with the base closings.

What is the impact on the 9th District? The 9th District would not be affected by Aspin's recommendations. Crane and the Naval Ordnance Station are not on the list.

What is the impact on Indiana? The proposed closures and realignments would have a minor impact on Indiana. Aspin would close a Defense Information Systems Agency site in Indianapolis and reserve centers in Terre Haute and Fort Wayne. Overall, Indiana will lose 206 personnel. In contrast, California would lose about 31,000 personnel; South Carolina about 10,000; and Virginia about 8,000. Indiana was hit hard in previous closure rounds, and the state will lose over 13,000 military jobs and more than \$200 million in annual output and earnings.

What is the status of the DFAS competition? Evansville and Indianapolis were among the 20 finalists in the Defense Department's competition for Defense Finance and Accounting Service (DFAS) centers. Aspin decided to suspend the competition because he thought it would be unfair to "transfer from the federal government to local taxpayers the burden of financing facilities used by DOD." For the time being DFAS operations will continue at the existing five large centers—including Indianapolis—as Aspin reviews the issue.

What is the impact on overseas bases? Current law does not allow Secretary Aspin to



include overseas bases on his closure list. However, since January 1990, the Department of Defense, in consultation with host nations, has undertaken plans to end or reduce its operations at 629 overseas installations, a reduction of 35 percent.

How will workers and communities be helped? President Clinton has proposed spending \$1.8 billion this year and \$20 billion over the next four years on defense conversion programs. This year's package would provide \$375 million for transition assistance, employment services and job training. It would also provide over \$100 million in economic adjustment assistance for communities adversely affected by cuts in defense spending.

What about cleanup problems? Many closing installations like JPG have major environmental problems which can hamper or delay community plans for reuse. Congress approved legislation last year that will expedite the release of clean parcels of land at contaminated bases. Congress has also appropriated \$830 million to clean up closing bases—although overall cleanup costs for active and closing bases will likely exceed \$35 billion. A recent study found that the cleanup costs for JPG alone range from \$1-8 billion depending on the level of reuse.

What is happening at JPG? JPG was included on the 1988 base closure list. JPG is slated to close in 1995, but testing will cease at the base in 1994. JPG employees are being offered transition assistance. The JPG Redevelopment Board is planning for reuses of the installation after closure. Possible reuses might include: commercial use of the buildings in the 3,000 acre cantonment area; use of the firing ranges by a private contractor; expanded use of the facility by the Indiana Guard; commercial use of a resurfaced airfield at JPG; and use of the northern portion of the base as a nature preserve/recreation area. I am also working on securing funding for cleanup activities at JPG.

What is happening at INAAP? The ammo plant was inactivated last year. The workforce has been cut from 1,000 to 200, who are assisting with layaway activities. The workforce will be trimmed to less than 100 people later this year. ICI, the plant contractor, recently signed an Army contract that will allow ICI to secure and maintain the facility, bid on available Army and third party production work, and use the resources at the installation for possible non-military work. Congress approved \$200 million in last year's defense law for the Armament Retooling and Manufacturing Support (ARMS) Initiative, a new program designed to help develop new business and job opportunities at ammunition plants like INAAP. The ARMS program provides various incentives for industry to use government owned facilities for military and non-military commercial manufacturing. I have also supported the establishment of a state park on the northern end of the plant.

#### TRIBUTE TO BOB VANDENBERGH

##### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Mr. Bob Vandenberg for being named 1993 Clinton Township Goodfellow of the Year. Mr. Vandenberg was selected for this award because of his outstanding con-

tributions to the Goodfellows and our community.

Mr. Vandenberg has been deeply involved in our community. He is a member of the Central Macomb County Chamber of Commerce, the Economic Club of Macomb County, the Wayne State University Alumni Association, and the Michigan Mortuary Science Foundation. He frequently speaks to schools, churches, and civic organizations about funeral-related topics. He is also a speaker for the volunteer training program for the St. Joseph Mercy Hospital Hospice Program.

Mr. Vandenberg has been recognized by being awarded the Pursuit of Excellence Award in 1991 and 1993. This is a national award given for outstanding excellence in community service, public relations programs, training, and continuing education.

In addition to his career and his contribution to the community through various community organizations, Mr. Vandenberg is an avid boater. He has been seriously racing boats for 22 years and has participated in 14 Port Huron to Mackinac races.

I ask my colleagues to join me in saluting Mr. Bob Vandenberg. He has demonstrated his commitment to our community. I congratulate Mr. Vandenberg on being named 1993 Clinton Township Goodfellow of the Year.

#### JOPLIN HIGH SCHOOL TO COMPETE IN WE THE PEOPLE . . . THE CITIZENS AND CONSTITUTION PROGRAM

##### HON. MEL HANCOCK

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. HANCOCK. Mr. Speaker, on May 1-3, more than 1,200 students from 47 States and the District of Columbia will be in our Nation's Capital to compete in the national finals of We the People . . . The Citizen and the Constitution Program. I am proud to announce that the class from Joplin High School in Joplin, MO, will represent Missouri's Seventh Congressional District for the fourth time. These young scholars have worked diligently to reach the national finals again by winning district and State competitions. The distinguished members of the team representing Missouri are:

David Alford, James Bacus, Seth Baldwin, Angela Cook, Heather Daggett, Stuart Eastman, Emily Esch, Mitsi Gough, Andrew Grabau, Katherine Grote, Beth Hinman, Jennifer Hurn, Jesse Kluthe, Gabe Lett, Debbie Newman, Jill Rauk, Tracy Rentz, Rachel Sage, John Smith, Rikki Smith, Sammie Smith, Ryan Stanley, Brian Taylor, Lisa Thompson, Marian Trewin, Shane Vau Dalsam, Ngobich Vo, Scotty Vorhees, Margot Walters, and David White.

I would also like to recognize their teacher, Barbara Arnold, who deserves much of the credit for the success of the team. The district coordinator, Kelvin Camerer, and the State coordinator Terry Taylor, have also contributed a great deal of time and effort to help the team reach the national finals.

The We the People . . . The Citizen and the Constitution Program, supported by Congress,

is the most extensive educational program in the country developed especially to educate young people about the Constitution and the Bill of Rights. The 3-day academic competition simulates a congressional hearing. Students, acting as expert witnesses, testify before a panel of prominent professionals from around the country to demonstrate their knowledge of constitutional issues. Administered by the Center for Civic Education, the program, now in its sixth year, has reached over 12,000,000 students in 21,490 elementary, middle, and high schools nationwide.

The program provides an excellent opportunity for students to gain an appreciation of the significance of our Constitution and its place in our history and our lives today. I am proud of these students representing southwest Missouri and commend them and their teacher for their hard work. I wish them the best of luck in this competition—and a bright future thereafter.

#### TRIBUTE TO RIGOBERTA MENCHU

##### HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. PORTER. Mr. Speaker, I would like to pay tribute to Rigoberta Menchu, the winner of the Nobel Peace Prize in 1992. Ms. Menchu, a Quiche Indian woman from Guatemala, has endured great tragedy in her life which has led her to become an advocate of human rights and the rights of indigenous peoples in Guatemala. The recognition she has received as a spokesperson for the rights of indigenous peoples has provided an example to others in search of a way to work peacefully to secure their rights.

Ms. Menchu worked with her family as a day laborer on coffee, cotton, and sugar plantations and later worked as a domestic servant in Guatemala City. In January 1980, her father was murdered when the Spanish Embassy was burned to the ground. Her mother and younger brother were kidnaped, tortured, and murdered shortly after her father's death. Her story is unfortunately typical of the type of political violence which plagued Guatemala in the early 1980's. This strong, courageous woman has withstood personal tragedy and has been involved in numerous efforts to call for peace and justice in Guatemala. She gained international recognition through her book, "I Rigoberta Menchu," which provides an autobiography of her family's tragic story.

In recognition of her advocacy of the cause of indigenous people in Guatemala, Ms. Menchu was awarded the Nobel Peace Prize in 1992. She has also been the recipient of many other awards, including the UNESCO Award for Peace Education. Furthermore, Ms. Menchu recently created the Vicente Menchu Foundation, in memory of her father, in order to search for peaceful solutions to armed conflicts and the promotion of human rights in particular the rights of indigenous peoples.

This year, the congressional human rights caucus, which I am proud to cochair with my colleague TOM LANTOS, is celebrating its 10-year anniversary. The caucus has been at the

forefront of congressional efforts to call attention to the issue of the human rights of indigenous peoples. The caucus has sent letters to many governments protesting the killings, death threats, and detention of native peoples who were activists in their communities. We are inspired by the courage of those, like Rigoberta Menchu, who at great personal risk, who stand up for their human rights.

Mr. Speaker, I commend Ms. Menchu for speaking out about what she, herself, has experienced in Guatemala and what many other have experienced in her country and around the world. Her efforts to draw international attention to the cause of indigenous people are truly courageous.

REV. D.W. MCFARLAND

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. HALL of Ohio. Mr. Speaker, on May 16, 1993, Rev. D.W. McFarland will retire as pastor of the Mt. Olive Baptist Church after 49 years of faithful service. He has served longer at one church than any other Baptist pastor in the city of Dayton.

In addition to his service to his church, Reverend McFarland has made valuable contributions in the Dayton area. He is past president of the Dayton Baptist Minister's Union, first chairman of the Opportunities Industrial Center, and former vice president of the NAACP Dayton branch. He also serves on the boards of directors of several community organizations including the Dayton Urban League and Dayton Human Relations Council.

Reverend McFarland is a native of Omaha, GA. He attended Payne Seminary University, Wilberforce, OH; and Simmons University, Louisville, KY. He entered the ministry in 1942 and received his appointment to become pastor of the Mount Olive Baptist Church February 7, 1944. To celebrate Reverend McFarland's retirement, the Mount Olive Baptist Church is planning a "Grand Celebration" at the Dayton Convention Center on May 15, 1993.

I offer my congratulations to Reverend McFarland and my thanks for his many years of leadership and service to his church and to the Dayton community.

A TRIBUTE TO THE SELFLESS STUDENTS OF WIDENER UNIVERSITY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to recognize the dedicated work of all those involved in the Widener University Student Volunteer Services Program. Over the past 5 years, more than 1,200 university students have volunteered their time and effort to the Chester, PA, community with no other reward than their own satisfaction.

The Widener students have been involved in tutoring at homework clinics, sponsoring recreation programs on campus and at a local school, assisting at the Bernadine Food Center and Delco Blind Sight Center, and serving as Big Friends to local children. In all, these dedicated students have donated more than 16,000 hours to serving the people of Chester.

For all the hard work of the Widener students, and their altruistic devotion to the Chester community, I rise today with the people of Chester to applaud and thank them. While so many people simply talk about trying to make a difference, these young adults actually used their spare time to get involved. For this they deserve our highest praise.

TRIBUTE TO THE ST. BRENDAN LADY GOLDEN BEARS

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. TRAFICANT. Mr. Speaker, I rise here today to pay tribute to the St. Brendan Lady Golden Bears basketball team in my 17th Ohio Congressional District. This team worked hard all year and posted a perfect 16-0 record while capturing the 1992-93 Mahoning/Trumbull Catholic Conference Division I championship. This great group of female cagers also triumphed in the Mahoning/Trumbull Catholic Conference tournament.

Mr. Speaker, as an athlete who competed in high school and college, I know how hard it is to post a perfect record. This outstanding team made it look easy. The coaching staff of Jeff Rainer, head coach, and his assistants Ron Hausmann and Patty Garcar did a tremendous job. I would like to congratulate them and the team for a job well done.

Team members include: Valerie Berendt, co-captain; Rachel Block, co-captain; Teresa Haraburda; Amanda Gay; Stephanie Zalovcik; Jennifer Hagarty; Kelly Lamb; Heather Skufca; Margaret Senvisky; Melissa Valasek, manager; Kerry Lamb, manager, and Kathy Berendt, scorekeeper.

DIRECT DEMOCRACY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, April 21, 1993, into the CONGRESSIONAL RECORD:

DIRECT DEMOCRACY

Modern communications technology is transforming American politics. Fax machines, 800 telephone numbers, satellite hookups, televised town hall meetings, call-in talk shows, and interactive computer networks are making our politics more personal, more open and more direct. Last year's presidential campaign was a watershed in the use of these technologies as candidates took advantage of emerging media outlets to communicate directly and imme-

diately with voters. This trend is likely to continue.

COMMUNICATIONS AND POLITICS

Communications technology has a powerful appeal to politicians. First, it helps them get their message out to their constituencies. Politicians can no longer depend only on political parties to rally support for them. Party organizations are weaker at the state and local level than they once were, and more and more Americans now practice split-ticket voting (voting for candidates of both parties). Politicians must be more entrepreneurial in making their pitch to voters whether it means using 800 telephone numbers or televised town hall meetings.

Second, the new technology gives politicians more control over their message. The news media traditionally have played a large role in shaping the content of a candidate's message and influencing how he or she is perceived by the public. Emerging technology enables candidates to reach the public directly, with less reliance on the news media, and provides politicians with more control over what voters hear and learn.

Third, politicians can use communications to target their message to specific groups of voters. Many cable channels, for example, cater to a particular age or income group, providing candidates with an opportunity to present a message tailored specifically to that audience. Candidates still actively court general media coverage, but they now are much more aggressive in seeking out "specialized" or "niche" voting groups.

Fourth, the new technology allows politicians to give voters more information about themselves. Many voters are alienated by slick political campaigns which emphasize style over substance and offer few detailed proposals about how to deal with the country's problems. They are also cynical about the accuracy and impartiality of the news media. Hence, a candidate who appeals directly to voters by answering public questions on a call-in show can be a welcome change.

Fifth, candidates can use instantaneous communications to head off unfavorable news stories or attacks by other candidates. Both presidential campaigns watched raw satellite newsfeed transmissions to find out what stories would be broadcast later that evening. The campaigns then would prepare rebuttals to the potential stories, which could be sent by satellite across the country, even before the original story was on the air.

COMMUNICATIONS AND THE PUBLIC

The new technology has also had a profound impact on the public's involvement in the political process. Voters are not simply on the receiving end of the communications wave. They are using technology themselves to communicate more directly and more often with their political leaders.

The number of Hoosiers contacting me has increased continuously over the last 10 years. Last year I received an average of 550 constituent contacts per week, and that figure has surged to over 1,300 per week so far this year. Overall, Congress received over 4.2 million phone calls during the first five weeks of this year, compared to 1.9 million calls during a similar period in 1992. Some of the increase is attributable to voter anger or voter interest in certain issues, but new communications technology is also responsible. More and more of my mail comes from computerized post cards and form letters, as well as phone and fax contacts with my Washington and Jeffersonville offices.

Communications technology has made voters more informed about the political proc-



ess. The news available to the public concerning governmental activities—whether a congressional hearing, a campaign stop or a State Department briefing—has increased markedly. This information is available instantaneously to almost any American who has access to continuous news sources such as CNN or C-SPAN.

The technology has also given citizens a stronger voice in political decision-making. The American people learn instantly what happens in Washington from television and they tell their leaders what they think right away. Call-in talk shows and other media programs often encourage listeners to share their opinions on current and controversial events. Their views and concerns have an impact. Public concerns about Zoe Baird's failure to pay taxes for her housekeeper helped derail her bid for U.S. Attorney General. Congress received over 470,000 calls on one day, January 21, many of them in opposition to her confirmation. I always consider the contacts I receive from constituents before casting my vote on bills pending before the House.

Special interest groups have become particularly effective at using communications technology to get their views across. A small industry of experts adept at generating grassroots support phone calls, telegrams, and mail has sprung up for hire by interest groups in an attempt to immediately influence the government. The more contacts an interest group can generate, the more likely its position will receive consideration from Congress or the President. I am astonished by the number of computerized letters and postcards I receive from my constituents on very specific bills or issues.

#### CONCLUSION

I think communications technology has had a positive influence on our politics. It has made our politics more democratic, as more citizens learn about issues and candidates and get involved in the political process. This kind of interaction is part of a vigorous and healthy democracy. My only concern is that technology not overwhelm the process. Our system of government works best when citizens and their representatives can reflect on issues, then debate, discuss, and decide them. Many of the problems we face, like the budget deficit or health care costs, are extraordinarily complex. We must act to address them, but consensus on how to act can take time. I am hopeful that the new technology can serve the democratic process, and not be served by it.

#### TRIBUTE TO PAUL WOODRING

##### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to Mr. Paul Woodring for being named 1993 Clinton Township Goodfellow of the Year. Mr. Woodring was selected for this award because of his outstanding contributions to the Goodfellows and our community.

Mr. Woodring has been deeply involved in our community. He has been active in the Goodfellows since 1981 and served as treasurer from 1987 to 1993. Currently, he is a member of the Mr. Clemens Rotary Club. He has been active in several professional organizations.

Mr. Woodring has been a leader in our community. He is a former member of the Chipewa Valley Board of Education. He is a charter director of the Clinton Township Economic Development Corp., and a former president of that organization.

Mr. Woodring graduated with a B.A. degree from Eastern Michigan University. He then received a M.A. from Michigan State University. Following a tour of duty with the U.S. Army, he became a high school mathematics teacher and then a business manager for a Flint area school district. In 1973, he was named assistant superintendent in Clintondale schools. After retiring from Clintondale, he was named chief deputy treasurer for Macomb County. He retired from that position in January 1993.

I ask my colleagues to join me in saluting Mr. Paul Woodring. He has demonstrated his commitment to our community. I congratulate Mr. Woodring on being named 1993 Clinton Township Goodfellow of the Year.

#### TRIBUTE TO THOSE WHO LOST THEIR LIVES IN EXERCISE TIGER

##### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. SAXTON. Mr. Speaker, 49 years ago today, an ill-fated D-day dress rehearsal took place off the coast of England. An American amphibious assault force consisting of landing ship tanks was conducting invasion tactics when German warships launched a surprise attack. Two ships were sunk immediately, others suffered extensive damage.

Nine hundred and forty-six men lost their lives in this battle—the second highest death toll for the entire war, surpassed only by the attack on Pearl Harbor.

Yet, 43 years passed before any acknowledgement was given to the battle. Navy officials classified information on this top secret mission and it remained obscure. No medals of valor were awarded to the survivors.

Today, the residents of Ship Bottom, NJ, are prepared to gather and give tribute to the 946 men who lost their lives in Exercise Tiger. I join them in spirit to honor those unsung heroes who gave the ultimate sacrifice for their country.

#### TRIBUTE TO ALLAN L. BREAKIE

##### HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. FORD of Michigan. Mr. Speaker, service to one's profession and the community is to be commended. I want to pay tribute to Allan L. Breakie, who has given 40 years of service to the Garden City Hospital in Garden City, MI. Friends and coworkers will be honoring Mr. Breakie on Saturday, May 8, in a celebration of his leadership and his contributions to the osteopathic profession. I want to join with my constituents in recognizing Mr. Breakie's many achievements.

Born of Scottish ancestry on February 26, 1921, Allan Breakie attended Andrews University and California College of Medical Technicians. Mr. Breakie began his career in hospital operations during World War II when he was placed in charge of organizing and relocating Army hospitals in the Pacific theater. He gained training in technical and managerial jobs in various hospitals before becoming the Garden City Hospital administrator on February 1, 1954. Starting with a 40-bed maternity hospital, Garden City Hospital grew. In 1955, the hospital purchased the Ridgewood Hospital near Ypsilanti, MI. Out of this expansion the 100-bed acute care Ridgewood Osteopathic Hospital was established.

A new hospital was built to replace the Garden City edifice in 1960. During this decade and the 1970's 7 additions were added to Garden City Hospital increasing capacity and services to a 360-bed osteopathic facility. A medical and allied health education component was created and improved under Allan Breakie's leadership. The hospital organized its own accredited medical technologist program 8 years ago. Fifty interns and residents take part in the hospital's program; and students in allied health fields from various colleges in the area participate in clinical rotations as part of their education.

Allan Breakie is credited with responding to the needs of the marketplace in hospital administration, yet maintaining the identity of osteopathic care of Garden City Hospital in the community. The hospital became the building block for its parent company, Amerigard Health Services, owner and operator of two long-term care nursing homes, two home health agencies, a substance abuse clinic, a hospice, an industrial clinic, and physician offices. Under Mr. Breakie's leadership, these facilities enjoy the same reputation of providing quality health care as the Garden City Hospital.

Mr. Breakie has served ably in the posts he has held in the osteopathic profession. He is a fellow with the American College of Hospital Administrators and also with the American College of Osteopathic Hospital Administrators of which he is a past president. Numerous awards have been granted to Mr. Breakie for his hard work—the Distinguished Service Award from the Osteopathic College in 1974 and the Award of Merit from the American Osteopathic Hospital Association in 1988.

The tasks and posts held by Allan L. Breakie are many, but worth listing for the care put into each job. In addition to his current posts as president of the Amerigard Health Service Corporation and Garden Nursing Center, he has been the chief executive officer of the Garden City Osteopathic Hospital for 36 years. A member of the American Osteopathic Hospital Association since 1975, Mr. Breakie has served on most of its committees. As an accreditation surveyor and consultant since the late 1960s, he has also worked on AOA task forces through the years.

Mr. Breakie's service has benefited all of Michigan as an dynamic member of the Michigan Osteopathic Hospital Association. As a member of the board, he has served as president on several occasions. Mr. Breakie has sought the development of a greater osteopathic presence in the community and the

area economy. His efforts have encouraged the establishment of programs that support the medical profession in general and particularly the osteopathic physicians.

Assisting the community has been Mr. Breakie's commitment as well. He has represented the profession and the hospital in work on the board of directors of Blue Cross and Blue Shield, the Southeastern Michigan Hospital Association Board of Governors, the Michigan Hospital Association, the Southeast Michigan Hospital Council, the Southeast Michigan Health Service Agency, the Greater Detroit Area Health Council, Schoolcraft Community College, the city of Garden City, and Goodwill Industries.

A leader in his profession and a community resource, Allan L. Breakie's work is respected by the people he has worked with in making patient care a priority. Mr. Speaker, I am honored to have the opportunity to recognize the many special talents of Mr. Allan Breakie.

## VICTIMS' RIGHTS

### HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mrs. FOWLER. Mr. Speaker, I rise in support of Congressman GEKAS' resolution designating National Crime Victims' Rights Week April 25 to May 1, 1993 and I am proud to be a cosponsor of the resolution.

It may be hard to believe, but of the next six people you come in contact with, five of those people are likely to become the victim or intended victim of crime in their lifetime. And with a violent crime occurring every 17 seconds in the United States, we are all potential victims.

Victims of crime are not just statistics in police reports. They are your parents and grandparents—your brothers and sisters—your husbands, wives, and children. They are your neighbors and coworkers—people who through no fault of their own have had their lives drastically changed in a way that some of us have no way of truly comprehending unless it has happened to us.

All too often, victims of crime feel that they have no where to turn. The victims' rights movement has come a long way in changing the way in which the victims are treated. While there were only three victim service agencies in 1972, today there are more than 8,000 programs across the Nation serving people who have been victims of crime.

In Jacksonville, FL, we are proud to have a dedicated group of people who work diligently to protect and defend the rights of victims.

One of our outstanding victim rights advocates is Dr. Kara Elizabeth Mort. Dr. Mort has been tireless in her efforts with our Guardian Ad Litem Program. Taking the most difficult cases she gives countless hours dedicated to the rights of victims.

I applaud the work of Dr. Mort and all victims' rights advocates across the country.

## EXTENSIONS OF REMARKS

### FEDERAL LAND MANAGEMENT AGENCIES BILL INTRODUCED

#### HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. HANSEN. Mr. Speaker, I am today introducing a bill which will help to depoliticize and professionalize the four Federal land management agencies: National Park Service, Forest Service, Bureau of Land Management, and Fish and Wildlife Service. My bill will accomplish this by establishing 5-year terms for the agency heads and by making all four agency heads subject to Senate confirmation.

Mr. Speaker, in recent weeks we have read stories indicating that a movie actor and television star were being considered for the position of Director of the National Park Service. While recent stories have indicated that these persons were being considered because the agency currently faces a morale crisis, I would suggest that it will take more than selection of a celebrity as the Director to resolve those problems. In fact, selection of someone whose major qualification is that they have visited national parks since childhood, but who have no prior experience in Federal land management issues would in my opinion be adverse, not beneficial, to the agency and employee morale.

The media have also been replete with stories about how key slots in the administration are being selected. According to some reports, ethnic diversity, gender and political paybacks are being considered just as much as qualifications in the selection of key positions within the administration. In my view, this is wrong.

My bill would address this problem by setting professional standards as the basis for selecting all four of the agency heads. It would further ensure that agencies are able to develop and carry out their programs in a professional manner by isolating the appointment of these key positions from the Presidential election cycle.

Currently, only the heads of the Bureau of Land Management and Fish and Wildlife Service are subject to Senate confirmation. While the Senate confirmation process has in recent years focused too heavily on factors unrelated to the qualification of an individual for a particular position, overall I believe this process has merit and can see no reason for the current double standard in the selection of heads for the land management agencies.

Therefore, I hope my colleagues will join me in supporting this important measure.

## CHESTER'S CHAMPS

### HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. FOGLIETTA. Mr. Speaker, I rise today to congratulate and applaud the Chester, PA, Biddy Basketball 12-year-old allstar team for their second place finish at the World Biddy Basketball Tournament in Louisiana. Leading up to the tournament, these 12 young men

competed in and won the State championship in Lebanon, PA, as well as the Plymouth ABA and Ridley Tournaments. And although they came up short in the final game of the world tournament, they displayed the teamwork, spirit, commitment, and sportsmanship of true champions.

Therefore, I join with all the citizens of Chester in saluting these young athletes: Justine Armstrong, Samuel Copeland, Larry Fain, Ronnell Green, Jalaal Harris, Najeeb Rasheed, Fareed Burton, Ramee Davis, Kevin Gandy, Lynn Greer, Jamaal Sterling, and Robert Williams. They have made us all proud.

## SMALL BUSINESS

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 14, 1993, into the CONGRESSIONAL RECORD:

## SMALL BUSINESS

Small business is the backbone of the American economy. It drives our economic success; it is in this sector where jobs are created and recoveries generally take off. Between 1981 and 1992, the number of small businesses grew to 21 million from 13 million, and they employ 60 percent of the nation's 99 million private sector workers. They also contribute to the economy by applying new technologies, introducing new products, serving new markets, and improving working conditions. Even so, many small businesses are facing challenges as they emerge from the recent recession.

## THE CREDIT CRUNCH

For many months now, small business owners have been coming to me and complaining that they have not been able to get financing. Repeatedly they have told me that they could expand, employ more people and improve their businesses if they had access to capital. Many reasons are given for the "credit crunch." Bankers say that new banking regulations which followed the savings and loan crisis are overly burdensome and restrictive, costing them money and impeding their ability to lend. They believe that regulatory red tape is to blame for a slowdown in bank lending that has kept small firms from getting loans they need to expand and create new jobs. Others believe that interest rates, not regulations, are to blame. While short-term rates are at historic lows, long-term rates have been relatively high. This spread has allowed banks to achieve profits simply by investing depositors' money in risk-free government securities, rather than in less secure or lower-yield investments.

## ACCESS TO CAPITAL

President Clinton unveiled a new program on March 10, 1993 to spur small business lending by reducing the paperwork needed to make certain loans, easing requirements on property appraisals, and making it easier for banks to make character loans. On March 30, 1993 the President announced a policy to implement one of these initiatives. Under this policy, which takes effect immediately, commercial banks will have the opportunity to make up to \$38 billion in character loans—loans which are based more on a borrower's



proven reliability than on rigid compliance with rules that require certain documentation and paperwork. This will allow the nation's banks to begin making loans to small business without the paperwork normally required, and to give the economy a general boost. No action is needed by the Congress. Other parts of the President's program will be implemented over the next few months.

#### SBA GUARANTEED LOANS.

The Small Business Administration (SBA) plays a role in increasing credit available for small business. SBA has evolved from a program providing direct loans to a program where bank loans, financed with private money, are backed by a government guarantee. This guarantee secures up to 90% of the loan, should the borrower default. The credit crunch has placed increased demands on this program. In response, the House recently approved an economic stimulus package that includes funding for an additional \$2.6 billion in guaranteed loans for this year. If enacted, the total level of guaranteed loans would rise to \$6.2 billion.

#### PRESIDENT'S ECONOMIC PLAN

Congress is considering the President's economic plan, which includes several proposals benefitting small business. First, he has called for an investment tax credit targeted for small business. For companies with sales of less than \$5 million, the plan proposes a permanent investment tax credit at 7% for the first two years and 5% thereafter. Second, the plan includes a targeted capital gains tax cut. For companies with less than \$50 million in capital, the President proposes a 50% capital gains tax break on newly issued stock held for five years or more. Third, the plan would create 50 enterprise zones in economically distressed areas where small businesses would qualify for certain investment incentives and employment tax credits. Other provisions of the President's plan, including a partial restoration of the passive loss deduction, the establishment of community development banks, and the development of technology extension centers could benefit small business as well.

#### SECONDARY MARKETS

Congress is also debating the merits of creating a secondary market for business loans, a market in which small-business loans could be bought and sold in much the same way that mortgage-backed securities are traded. A secondary market might work as follows: A bank that makes a loan to a small business could sell it, at a profit, to investors around the country. The cash that the bank gets from the loan would enable it to make additional loans. The secondary market would, in effect, bring more people into the business of lending to small business, while also spreading the risk of lending.

#### REGULATION

Another challenge that continues to face small business is the impact of government rules and regulation. Federal regulations do provide a certain degree of protection to individuals in the workplace and the environment, but sometimes they can be overly burdensome. A better balance must be struck. Proposals have been introduced in Congress to require federal agencies to take into account the impact and cost of their regulations on small businesses and to design ways to minimize that impact. Proposed and existing regulations should be carefully reviewed in order to eliminate those that are burdensome and outdated.

#### DEFICIT REDUCTION

Some small businesses have expressed concern about the impact of the President's def-

icit reduction plan on small business. The plan, which includes tax increases, will affect various businesses differently, and I am sympathetic to those who feel that they will be disproportionately impacted. I agree with the view that any tax increase should be broadly shared, and my preference would be to see \$2 in spending cuts for every dollar in tax increases. I will continue to work with my colleagues to achieve additional spending cuts throughout the budget process. Deficit reduction could be a big help overall to small business if it leads to lower interest rates.

#### CONCLUSION

My view is that those of us in government should try to help small businesses compete by increasing their productivity—by increasing the quality and quantity of capital their workers use, by improving their employee skills through training, by providing tax incentives to small business, and by enhancing their management skills. Ensuring that financing is available and affordable will be critical to allowing small business to achieve these goals. Because regulation can place a disproportionate burden on smaller firms, their competitiveness will also be affected by the regulatory climate. Small firms must also continue to do what they do best—experiment with new products and process innovations—if they are to hold their important position at the leading edge of the American economy.

#### INTRODUCTION OF TWO PIECES OF LEGISLATION

#### HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mrs. SCHROEDER. Mr. Speaker, today I am introducing two bills that I have been working on for years: the Federal Employee Family Building Act, and a bill to reimburse Federal employees up to \$2,000 for adoption-related expenses.

The Federal Employee Family Building Act is a simple idea. It says that the Federal Employees Health Benefits Program [FEHBP] must reimburse infertility and adoption expenses at the same rate it now covers obstetrical care. This will give premium-paying Federal employees, who want to raise children but cannot conceive or opt to adopt, the financial assistance they need.

In addition, I am also introducing legislation to grant a \$2,000 reimbursement to Federal employees once the adoption process is finalized. This money will assist Federal employees with adopted children to offset the paralyzing medical, legal, counseling, and agency fees that accompany every adoption. Furthermore, this legislation will bring the nearly 3 million Federal employees in line with active duty military families who enjoy an analogous benefit, as well as many private sector employers who offer adoption reimbursements and other family-building incentives.

The National Center for Health Statistics estimates that nearly 2.3 million Americans suffer infertility. The National Committee on Adoption estimates that 45,000 children and 30,000 infants are waiting for permanent placements. The average cost of adoption can quickly surpass \$9,000. Surgical therapies for

infertility can easily reach \$10,000. The median cost of having a baby can cash in at over \$7,800. Clearly, many Federal employees will find these costs prohibitive.

Simply put, unless the new health care reform package encourages couples to explore nontraditional family-building methods, infertility will continue to emotionally destroy thousands of adult lives, while thousands of children's lives remain in limbo. I invite all my colleagues to support both of these legislative proposals and send a strong message to the White House that the new health care package be truly family-friendly by encouraging couples who want to become parents to build their families in the best possible way.

#### TRIBUTE TO JEFFERY M. CHIOW

#### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the class of 1997 at the U.S. Naval Academy.

Jeffery M. Chiow will soon graduate Defiance Senior High School after 4 years of outstanding academic achievement as well as extracurricular involvement. During his high school career, Jeff established himself as a leader among his peers. Jeff has served as president of the National Honor Society, editor of his school paper, and captain of the academic quiz team. He has also participated in cross country, several musical groups and was selected as a local delegate to the American Legion's Buckeye Boys State.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Jeff Chiow has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he begins his career in service to our country.

#### TRIBUTE TO ED DAVIN ON THE OCCASION OF HIS RETIREMENT

#### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to congratulate Mr. Ed Davin on the occasion of his retirement as the executive vice president and chief operations officer of the Trust Company of New Jersey.

A lifelong resident of Jersey City and a graduate of Seton Hall University, Mr. Davin

began his long and distinguished career with the Trust Company of New Jersey in 1954. Mr. Davin's banking career, in which he has earned the title of executive vice president and chief operations officer, is laudatory in itself, but it is his unwavering dedication and outstanding service to his community which makes him a truly remarkable individual. His service to professional colleagues, as the president of the Hudson County Bankers Association, president of the Northern New Jersey Clearing House Association, and as an instructor for 10 years with the American Institute of Banking are only a very few of his contributions.

To the community at large, Mr. Davin's service has been wholly extraordinary. He has served in leadership roles in the Jersey City Jaycees; the New Jersey Jaycees; the Hudson County Mental Health Association; the United Way of Hudson County; the Board of Trustees of St. Dominic Academy; the Valor Awards Selection and Action Committee of the 200 Club of Hudson County; the executive advisory council to the department of business administration at Jersey City State College; and the board of trustees of Christ Hospital in Jersey City.

Under his leadership, the three Boys' Clubs of Jersey City were consolidated into one, which he served admirably as its first president. Mr. Davin has been recognized with the Distinguished Service Award by the academic career planning division of Jersey City State College; as Man of the Year, by the Pack Foundation for Cancer Research and Graduate Teachings; with the Whitney M. Young, Jr. Award for his service to the goals and activities of the Urban League; by the Junior Service League of Hudson County as one of the 100 Outstanding Citizens of Hudson County; as the first honoree to be inducted into the Community Service Hall of Fame, presented with the Sir William Osler, M.D. Humanitarian Award for his outstanding contributions to public health and community service; and as the Citizen of the Month by the Police Honor Legion of New Jersey for his unselfish time and outstanding efforts on behalf of the law enforcement agencies throughout the State.

Mr. Davin has also been selected by the Society of Friendly Sons of Saint Patrick of Hudson County as their Irishman of the Year in 1987. The following year, he was again selected Irishman of the Year by the Jersey City St. Patrick's Day Parade Committee.

Ed Davin's service to his community even includes 14 years as chairman of the Jersey City Zoning Board of Adjustment, under four different Jersey City administrations from 1971-85. His contribution to both the business community and the community at large has been, and I trust will continue to be, an example to all.

## EXTENSIONS OF REMARKS

### MAYORS AS CITIZEN COSPONSORS OF THE FISCAL ACCOUNTABILITY AND INTERGOVERNMENTAL REFORM ACT OF 1993

#### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GOODLING. Mr. Speaker, on March 10 of this year Congressman MORAN and I introduced the Fiscal Accountability and Intergovernmental Reform [FAIR] Act to help State and local governments alleviate their most crushing financial burden, unfunded Federal mandates.

As you know, this legislation is necessary to safeguard against a tendency within the institution and among Federal agencies to resort to more and more unfunded Federal mandates.

This bill would require that any legislation to be considered by the full House or Senate have an analysis of the costs of compliance to State and local governments and the private sector. This bill seeks to enforce provisions already included in the 1974 Budget Reform Act. Second, this legislation would require all Federal agencies to analyze the economic costs of new regulations before they are adopted.

Support for this legislation has been increased both in the Congress and among those who it will help the most, our Nations civic leaders in State and local governments and small business.

Congressman MORAN and I have received letters from mayors all over the country expressing their support for the FAIR Act. Clearly, their support of this bill reflects the need for the Congress to reform the way it does business. Their support signals the beginning of a partnership between the Federal Government and State and local governments and small businesses.

In order to give our local government a stronger voice in this issue, we have decided to make these mayors "Citizen Cosponsors" of the FAIR Act. Mr. Speaker, I am submitting for the RECORD, the names of 20 mayors who have written to express their strong support for the passage of the FAIR Act:

Name, City, and State:  
 Richard Arrington, Birmingham, AL.  
 Michael C. Dow, Mobile, AL.  
 Sharon Priest, Little Rock, AR.  
 James Lindsey, Merced, CA.  
 Linda Spiro, Rohnert Park, CA.  
 Fay B. Kastelic, Pueblo, CO.  
 Jacquelyn C. Durrell, Fairfield, CT.  
 Joseph M. Mazurkiewicz, Cape Coral, FL.  
 Partrick J. Gibbs, Davenport, IA.  
 Richard A. Brauer, Belleville, IL.  
 Tomilla Allison, Bloomington, IN.  
 David Adkisson, Owensboro, KY.  
 George Dement, Bossier City, LA.  
 Judith H. Robbins, Attleboro, MA.  
 Douglas Duncan, Rockville, MD.  
 John S. Coppage, Midland, MI.  
 Charles Winkelman, St. Cloud, MN.  
 Jack Leonard, Chesterfield, MO.  
 James K. Seastrand, North Las Vegas, NV.  
 Frank Stare, Newark, OH.

### TRIBUTE TO CAPT. CASSIN YOUNG

#### HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mrs. FOWLER. Mr. Speaker, today I come before the House to honor one of America's military heroes, Capt. Cassin Young.

On December 7, 1941, Cassin Young was commanding officer of the U.S.S. *Vestal*, a repair ship moored alongside of the U.S.S. *Arizona* at Pearl Harbor during the sneak attack upon our military forces by the Japanese Navy.

As the U.S.S. *Arizona* was attacked, Commander Young was blown overboard by the blast but remarkably swam back to his ship, hoisted himself out of the water and returned to his command. As he surveyed the situation, he witnessed that the entire front section of the *Arizona* was a blazing inferno with burning oil on the water between the two ships which eventually spread to the U.S.S. *Vestal*. Since his own ship was on fire in several places and beginning to take on water, Commander Young put the safety of his crew ahead of all else. Between the fire on the water and the bombs dropping all around him, he managed to eventually beach his ship and save his crew.

On the night of Friday the 13th in November 1942, Commander Young was killed in the line of duty as the Japanese attacked the ship he commanded, the U.S.S. *San Francisco* and its battle group. During the firestorm, Young gave his all to save his ship and crew. The attack on his ship was swift. As Japanese warships rammed into the U.S.S. *San Francisco*, steering and engine control were damaged. And, during a continued series of bombings, America lost one of its heroes, Cassin Young. The ship did manage to survive to fight again thanks to the courage of its commander and crew.

Today, as the citizens of Volusia County remember the dedication to both his country and his fellow servicemen, let us also remember with great pride the actions of Capt. Cassin Young.

As a remembrance of his heroism, the American Legion, Ormond Beach Post 267 and its members have decided to rename their post to read "American Legion, Inc., Cassin Young Memorial Post No. 267." I proudly join with the members of Post 267 and the family of Capt. Cassin Young as we celebrate his bravery and actions in the face of danger.

### NATIONAL CHILD ABUSE PREVENTION MONTH

#### HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. SWETT. Mr. Speaker, I rise today in recognition of April 1993 as National Child Abuse Prevention Month. Child abuse has affected countless Americans but only recently has this tragedy been examined in the national spotlight. The societal impact of child abuse is immeasurable.



Reported instances of child abuse have risen dramatically in the past decade. According to the National Committee for Prevention of Child Abuse, between 1985 and 1991 reports of child abuse and neglect increased by 40 percent. In 1991, 2,694,000 children were reported to child protective services agencies as victims of child abuse. This number represents an average annual increase of 6 percent during this period. While substantiation rates for these alleged cases of abuse hover around 50 percent, the over 1 million confirmed instances of abuse, and the 1,383 children who died from abuse and neglect in 1991, are sufficiently chilling to warrant heightened efforts to address this problem.

Child abuse and neglect occurs in very racial and demographic group. But it is most prevalent among those living below the poverty line. Although the shocking increase in reported cases of child abuse can, in part, be attributed to the greater exposure the problem has received in the past decade, there is also a clear correlation between the fourfold increase in the number of children below the poverty line in the past decade and the increase in reported cases of child abuse. In my own State, New Hampshire, there are more children living in poverty than ever before, and reported cases of neglect and abuse have risen proportionally. Mr. Speaker, it is obvious that helping our Nation's poorest citizens will also yield dividends in the battle against child abuse.

Too many Americans still refuse to believe that child abuse can occur among their friends or in their community. Unfortunately, the statistics tell a different story. Child abuse is a disease that knows no racial, ethnic, or socioeconomic boundaries. Moreover, studies have shown that those parents most likely to abuse their children were in fact themselves abused. This cycle of abuse and suffering must be stopped. Mr. Speaker, we must join together to eradicate the abuse and neglect of our Nation's children before another generation is witness to its terror.

#### GREAT WESTERN TRAIL BILL INTRODUCED

**HON. JAMES V. HANSEN**

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1993*

Mr. HANSEN. Mr. Speaker, today I along with my colleagues Mr. ORTON, Mr. PASTOR, Mr. KOLBE, Mr. KYL, Mr. STUMP, Ms. SHEPHERD, Mr. THOMAS, and Mr. WILLIAMS introduce a bill to amend the National Trails System Act to designate the Great Western Trail for potential addition to the National Trails System.

The Great Western Trail crosses the most unique and beautiful areas of the West. Visitors of the Great Western Trail will enjoy a wide variety of experiences including wilderness, recreation, cultural, and the historical treasures of the West. The Great Western Trail begins at the Mexican border in the Coronado National Forest in Arizona and heads in a northerly direction by Phoenix, through southern Utah National Parks, past

Salt Lake City into eastern Idaho and western Wyoming heading north touching Montana and reaching the Canadian border in the Idaho panhandle.

The proposed route is actually in place through much of the area. This trail takes advantage of the rich abundance of public lands throughout the heart of the Rockies. By following mostly existing roads and trails, very little right-of-way acquisition and minimal new construction is needed. This trail would be mostly on national forests and some public domain administered by the Bureau of Land Management in Idaho, Wyoming, Utah, and Arizona.

The Great Western Trail [GWT] is actually much more than a trail, but rather a corridor of trails and passageways designed to serve the many types of trail interests and users. Using whatever was available, travelers in the Old West made their way by foot or horseback, or by using a variety of vehicles including wagons and water craft as they moved between communities, over mountain passes, down rivers, and across valleys. And so it is today along the Great Western Trail as the magic and romance of the Old West unfolds once more to recreational enthusiasts from across the nation and many foreign countries. Opportunities exist for hikers, horseback riders, boaters, mountain bikers, cross country skiers, and off-road vehicle and snowmobile riders to traverse this scenic and culturally rich area of our Nation in a variety of ways.

Mr. Speaker, the Great Western Trail will be a valuable natural asset to our country and I urge my colleagues support.

#### TRIBUTE TO NICHOLAS F. FRYZIUK

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1993*

Mr. LIPINSKI. Mr. Speaker, I rise today with a sense of loss after the death of Nicholas Fryziuk, a lifelong resident of Chicago's 23d ward. Nicholas passed away from leukemia on Thursday, April 1, 1993 at Hines Veterans Hospital, near Maywood, IL.

Nicholas was a survivor of the Bataan Death March in the Philippines in April 1942 and of 42 months in a Japanese prisoner-of-war camp. Nicholas, a sergeant in the 192d Tank Battalion, landed in the Philippines on Thanksgiving Day 1941 with 88 other men from the western suburbs of Chicago. Less than 1 month later, the Philippines were attacked. He was part of the American and Filipino force that held off the invaders on the island of Corregidor and Bataan peninsula.

On April 10, 1942, he and 75,000 other captured soldiers began a 65-mile march from Mariveles to San Fernando under a blazing sun. The Japanese clubbed and beat stragglers with rifle butts, killing those who did not get up. Nicholas helped to carry a wounded man much of the way. His two best friends were killed.

His war injuries eventually forced him into a early retirement from Corn Products Co. Inc., in Argon, IL. It is not known whether his leukemia was caused by the atomic bomb which

destroyed Hiroshima, since the prisoner-of-war camp in which he spent over 3 years was only 25 miles from Hiroshima.

In 1957, he and several other Chicago-area Bataan survivors set up an export-import business to find markets in the United States for goods from the Philippines.

Nicholas is survived by his wife Cecilia, a daughter, Diane Andrasek, and two grandchildren.

Mr. Speaker, as I rise to today to recognize Nicholas Fryziuk, I wish to honor the memory of this exceptional man. His courageous actions are an example for all to follow. I hope my colleagues will join me and my constituents in saluting Nicholas. He will be deeply missed.

#### BERLIN TOWNSHIP MAYOR AND COUNCIL ANNOUNCE ANOTHER YEAR OF RECYCLING SUCCESS

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1993*

Mr. ANDREWS of New Jersey. Mr. Speaker, I rise today to commend Berlin Township, a municipality in my district, for the success of their recycling program. I would like to enter for the RECORD a statement which the township recently released which explains the program. I hope that other communities around the country can learn from Berlin Township's success:

BERLIN TOWNSHIP MAYOR AND COUNCIL ANNOUNCE ANOTHER YEAR OF RECYCLING SUCCESS

BERLIN TOWNSHIP.—Since the Recycling Program began in the Township of Berlin, over twelve (12) years ago, the success of the program has continually escalated to an all time high. The recovery rate for 1992 has reached 65 percent, which is the highest ever for Berlin Township and perhaps the County of Camden and the State of New Jersey. The program started back in September of 1980 with the voluntary separation of glass, which proved to be the root of a program that should be the model for other communities and levels of government. Over the past decade, with the cooperation of the various township departments and officials and most importantly, the residents, this program has asked more of everyone as far as participation is concerned, but has proved to pay off in a big way. "For a small residential community to begin a program that would eventually turn almost two-thirds (2/3)s of it's waste stream into recyclable materials is remarkable," said Councilman Chris Morris, Liaison to the Public Works Department in Berlin Township.

The Township takes great pride in this program and the people who have made it so successful. The residents, the public works employees, under the direction of Public Works Director Mike McGee, and the Mayor and Council have worked in harmony to bring about the successes of this program. And their efforts have not gone unnoticed, as far back as 1981, Berlin Township has received awards from the County of Camden, the New Jersey Department of Environmental Protection, the National Recycling Coalition, the Institute for Local Self Reliance, Renew America, and the Federal Envi-

ronmental Protection Agency which recognized this program and awarded the Environmental Quality Award in 1991. Perhaps the most notable award came from the Friends of the United Nations Environment Program (FUNEP 500) who recognized the Berlin Township Recycling Program in 1990 and 1992 for their outstanding program and recovery rates achieved.

Achieving such a high recovery rate is no fluke, according to Mike McGee, "Our program achieved a recovery rate of 58 percent for 1989, 60 percent for 1990, 64 percent for 1991 and now an all time high of 65 percent for 1992, which is a testament to the efforts of all involved," said McGee who has been a big proponent of recycling during his tenure as Public Works Director. As part of the success realized, McGee is often consulted by various surrounding communities and others around the State and Country for assistance with their recycling programs. "In my opinion, every community should have a recycling program in an effort to reduce the overall burden placed upon the environment as well as the budgets of local communities," said McGee.

In the case of Berlin Township, the recycling program has not only proved beneficial for the environment, but the local budget as well. "If we did not have our recycling program, we would have spent well over two hundred thousand (\$200,000) dollars in disposal fees for 1992; there is no doubt in my mind that recycling has been and remains the wave of the future," commented Morris.

Berlin Township recycles glass, aluminum, motor oil, newspaper, metal, cardboard, batteries, concrete, clean lumber, brush, leaves and grass clippings.

CHARLES L. WEYER, JR.,  
HONORED

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the Class of 1997 at the U.S. Military Academy.

Charles L. Weyer, Jr., will soon graduate Margaretta High School in Castalia, OH, after 4 years of outstanding academic achievement as well as extracurricular involvement. During his high school career, Charlie has distinguished himself as a leader among his peers, serving as vice president of his class and captain of the Margaretta football team. Charlie was also active in the foreign language club, his church youth group and the National Honor Society.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Charlie Weyer has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to

date and to wish him the best of luck as he takes his place in the "long grey line" and begins his career in service to our country.

# FEDERAL MANDATES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 28, 1993, into the CONGRESSIONAL RECORD.

## FEDERAL MANDATES

Later this year hundreds of communities in Indiana and around the country will have to comply with tougher federal drinking water standards. These requirements were enacted into law as part of an effort to ensure safer drinking water supplies for Americans. And yet, meeting the new standards will be costly to implement. For example, Indianapolis recently completed a \$30 million treatment plant and plans to spend several million dollars more to upgrade its water system to comply with the standards. Local leaders appreciate the need to provide safe drinking water to their citizens, but complain that they will have to bear a disproportionate share of the compliance costs.

Federal mandates, like the drinking water standards, are a growing source of irritation between the federal government and states and localities. The objectives sought by these federal requirements are almost always worthy: clean water, safer roads, bridges, and buildings, and equal access. But while the federal mandates may be rational, collectively they often drain cities and states of money. For example, compliance with the federal clean water act is expected to cost state and local governments \$32 billion a year by 1995. If the trend toward unfunded mandates continues, it will gradually usurp the powers of states and turn them into administrators of national policy. The challenge is to find ways to alleviate the financial burden on state and local governments caused by the mandates without letting the worthy objects of the mandates slip away.

## TYPES OF MANDATES

Federal mandates appear in many forms and cover a wide range of subjects. Some require communities to take specific actions as a condition for receiving federal grants, such as requiring that public buildings can accommodate the handicapped. Others are direct orders, requiring state and local government to comply with national standards and administer federal statutes. Direct federal mandates include environmental, criminal justice, and health care regulations like testing children for lead poisoning.

Hoosiers are familiar with some of the larger mandated programs. Medicaid, the federally subsidized health care program for low-income families, costs states \$38 billion a year to finance. Medicaid spending has risen dramatically in Indiana in recent years, consuming over \$2 billion in the last budget cycle. Environmental laws are also expensive. For example, school districts throughout Indiana have spent millions of dollars removing asbestos from school buildings as required by a 1986 law.

## FEDERAL BUDGET CUTS

The federal budget deficit has been a driving force in the debate on federal mandates.

In the 1960s and 1970s, federal money to state and local governments grew steadily as a percentage of state and local outlays from 14% in 1960 to a peak of 27% in 1978, and states and localities expressed little concern about the conditions attached to federal money. In the 1980s the federal government responded, in part, to growing budget deficits by cutting aid to states and localities. Financial aid to state and local governments dropped to a low of about 18% in 1988.

However, the number of mandated programs continues to grow even as federal resources available for states and localities to meet these mandates dwindle. New regulations adopted between 1983 and 1990 imposed cumulative estimated costs of between \$8.9 billion and \$12.7 billion on states and localities. Although states have challenged the legality of federal mandates in courts in recent years, they have generally been unsuccessful.

## SOLUTIONS

The federal government should take several steps to ease the burden on states and localities. First, the President and Congress need to recognize that in general it is simply unfair to the states and localities to try to achieve national goals, even worthy ones, by pinning the cost of compliance on states and localities. Second, the President and Congress should conduct a comprehensive study of federal mandates and act to eliminate unnecessary regulations and reporting requirements and streamline others. This would help cut costs, and improve accountability for the success or failure of a particular program. Third, states and localities should be given more flexibility in administering mandated programs. State and local governments have been innovators in providing services efficiently on reduced budgets. Fourth, the federal government should try to make more resources available to states and localities to meet mandates. Some have suggested a general mandate compensation item in the federal budget, similar to revenue sharing, to offset the costs of mandates. Fifth, Congress and the President should assess the impact of their actions on state and local governments whenever they are considering legislation and regulations, and select policies which have the least adverse consequences. Too much legislation has been enacted without any reliable estimates of the costs to state and local governments. For example, the cost of the Americans with Disabilities Act—commendable legislation to provide the disabled with equal access to services, employment, buildings and transportation—is only now being fully recognized. I have co-sponsored a bill this year which would require the federal government to estimate the costs of legislation and regulations on state and local governments. Congress must choose more carefully the things it mandates and do a better job of providing funds for what it requires.

The most comprehensive approach to the problem of unfunded mandates would be to have the federal government handle activities that it does best, or which states cannot handle alone like managing air traffic control, national defense, social security, and health care. But states would take the lead for other activities—education, training, community development, housing, and most public capital projects. Devolving responsibility for these programs to the states could reduce federal spending, reduce the federal deficit, and make the federal government a more manageable enterprise.

## CONCLUSION

Many federal mandates are intended to achieve important and laudable policy objec-



tives. But Congress must, as a fundamental matter of responsibility and fairness, ensure that mandates can be reasonably met by state and local governments. Resolving the problem of federal mandates will require sorting out the proper federal, state, and local roles in particular issues, and then determining who should perform them and who should pay for them. I am hopeful that tough fiscal times will prompt innovative thinking and improved cooperation among the different levels of government.

#### DUNDERHEADS

### HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mrs. SCHROEDER. Mr. Speaker, the Denver Post commented, "Tailhook Shows Straights More Worrisome Than Gays," on the quandary the military has bogged itself in. While rejecting any reasonable solution to the question of gays and lesbians serving in our country's Armed Forces, our military leaders have allowed an atmosphere of licentiousness to fester. Perhaps the Tailhook Report will bring them to their senses.

[From the Denver Post, Apr. 27, 1993]

TAILHOOK SHOWS STRAIGHTS MORE  
WORRISOME THAN GAYS

If they gave medals for dunderheadedness, the Pentagon would surely win one for its increasingly indefensible approach to the question of homosexuality.

On one hand, a decorated veteran of the Desert Storm campaign, recently named the Sixth Army's "Soldier of the Year," now stands to be discharged after having publicly announced that he is gay—even though his conduct in uniform has been exemplary.

On the other, scores of "straight" officers, whose misconduct in the Tailhook incident has shamed the Navy, are only belatedly being held accountable for their violations of both military law and common decency.

Clearly, the assumption that homosexuals automatically pose a threat to the image or combat readiness of the military services, while heterosexuals don't, has shown itself to be as obsolete as a flintlock rifle.

What counts, as President Clinton recognized in calling for an end to the ban on gays in the military, is not one's sexual orientation, which obviously has little bearing on a person's patriotism or ability to perform a mission. Rather, it is a person's behavior—sexual or otherwise—that determines whether he or she should be honored or disgraced, in the military or in civilian life.

It shouldn't take a march on Washington to demonstrate the moral bankruptcy of the current policy. If the top brass refuse to renounce the belief that homosexuality is "incompatible" with military service, they will be guilty of the same kind of failure of leadership that led to the Tailhook abuses.

#### TRIBUTE TO CENTERVILLE HIGH SCHOOL

### HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. HALL of Ohio. Mr. Speaker, I am proud to announce that a very ambitious and bright

class of students from Centerville High School will be representing the State of Ohio in the national "We the People . . . The Citizen and the Constitution" competition. These students from Centerville, OH, which I am honored to represent in Congress, have demonstrated exceptional knowledge and appreciation of our Constitution and Bill of Rights. By winning the State competition, these students will move on to the national finals May 1-3 in which over 1,200 students from 47 States and the District of Columbia will compete on their knowledge of constitutional principles.

The Centerville student finalists representing Ohio are: Praveen Akuthota, Ward Barrentine, Thomas Davis, Andrew Duncan, Drex Earle, Salman Elmi, Matthew Hubbard, Justin Husher, David Lambright, Alissa Lane, Melinda Leiwig, Kevin Lopardo, Benjamin Oxley, Jim Park, Ryan Powell, Ben Pryor, Sandeep Punateer, Naveen Reddy, Jon Servaites, Jill Solscheid, Angel Spyrou, James Taller, Wendy Tzou, Christopher Willard, and Yousuf Zafar. I would also like to commend their teacher Teresa Lonsbury, who worked with the students in understanding the depth of our Constitution, as well as Peter Kavouras and Patti Denny, the district and State coordinators, whose time and dedication to this program proved invaluable.

Mr. Speaker, for some time I have been a participating member of the "We the People . . . The Citizen and the Constitution" program. The program allows student finalists to testify before a panel of prominent professionals from across the country to demonstrate their expertise in constitutional principles. The forum is a hearing, similar to our hearings in Congress, in which students respond to questions and defend their knowledge of the Constitution. The program is an exciting way to teach history and to stimulate an appreciation for the values and principles inherent in our democratic republic.

I would like to congratulate Centerville's class for their impressive achievement thus far and extend best wishes for success in the finals. These students are a tribute to their families, their community and their State. I am confident the knowledge gained through this program will help them realize the challenges and responsibilities of good citizenship.

#### CONGRATULATIONS TO PRESIDENT CLINTON

### HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. COLEMAN. Mr. Speaker, I rise today to congratulate President Clinton on the most important achievement of his first 100 days—his radical departure from the failed trickle-down policies of the past and the new direction he has charted for our country.

The Congress passed President Clinton's 5-year budget plan in record time, providing for the first time in a decade a responsible, achievable economic plan for this Nation to reduce the deficit by \$514 billion while at the same time increasing investment in our people.

Let the pundits pick away at the tiny details. But let us not overlook the importance of this single, shining accomplishment—trickle-down economics has finally been laid to rest.

My district, still one of the poorest in the Nation, now looks forward to a brighter future under the leadership of President Clinton. The future under President Clinton lies before us filled with educational opportunities, health care, childhood immunizations, job training, and hope that our children will be freed of the horrible debt burden they must confront.

And so I congratulate the President and his administration. And I look forward to the next 1,200 days of progress and hope.

#### REPRESENTATIVE BRUCE VENTO HONORED WITH THE NATIONAL ALLIANCE TO END HOMELESS- NESS AWARD

### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. BONIOR. Mr. Speaker, last night, my Minnesota friend and colleague BRUCE VENTO was honored for his work to end homelessness by the National Alliance to End Homelessness. Representative VENTO was presented with the Public Sector Achievement Award by the two cochairmen of this year's awards ceremony, Susan Baker who is the driving spirit behind the alliance and Jim Johnson who is working to end homelessness at the alliance and as Chairman of Fannie Mae.

The Alliance to End Homelessness is devoted to the idea that only bringing together public, private, and nonprofit resources can we end homelessness. The alliance believes as Mr. VENTO believes that we must focus on long-term solutions to homelessness.

It is an odd combination, when you think about it. A senior Member of Congress devoting so much time and effort to help those who can't—or won't—help themselves. We all know that the homeless have no political money to contribute. They do not vote in any large numbers. They operate no political party machines. They don't have a PAC. Anyone writing legislation or speaking for them in Congress is not in it for political gain. So for my colleague BRUCE VENTO it is a true calling of the heart. It is, simply, the right thing to do.

Representative VENTO is a Member of Congress who grew up in a working class neighborhood—nothing fancy, mind you, but there was always a roof over his head. Why, then, would he take to the cause of the homeless? Maybe it's because in the homeless, we see people from similar backgrounds, similar families, and similar heritages. And we suspect that but for some strange happenstance, they would wear suits and ties, shiny shoes, live in tidy homes, and have careers, friends, and families like we do. So perhaps we see a glimpse of ourselves, in the homeless and we are reminded that the compassionate thing to do—the right thing—is to help others as you would want to be helped in that situation.

Before homelessness was really a notable issue in the Nation or in Congress, Represent-

ative VENTO started to do something tangible about the problem. In 1983, he attached a modest amendment to an appropriations bill to pay for repairs on unused buildings to be used as temporary shelters. While that bill passed the Congress, Mr. VENTO's next bill was never even considered by the full House. Then, in the 100th Congress, Representative VENTO was the principal author of the \$1.3 billion McKinney homeless-aid reauthorization bill, which won widespread support. The McKinney homeless bill was reauthorized in the 101st Congress and for 2 years in the 102d Congress. More recently, Representative VENTO has urged his colleagues in Congress to move beyond the McKinney Act to the heart of the matter—prevention. BRUCE VENTO has been the only Member of Congress to step forward and endorse the beyond-McKinney proposals. And this year in recognition of his bold steps to end homelessness, Speaker TOM FOLEY has named Representative VENTO as the chairman of the House Task Force on Homelessness.

The story of the good shepherd tells us that a good society—a just society—will always care for the one or two who have lost their way. So it is, I think, with this feeling that Representative VENTO has pursued an aggressive agenda of homeless legislation.

The Alliance to End Homelessness could not have picked a better person to honor for his work to end homelessness. BRUCE VENTO deserves much of the credit for bringing the issues of homelessness into the minds and hearts of the American people and of Members of Congress. Thank you for your work, and, again, congratulations.

#### GORHAM HIGH SCHOOL HONORED

##### HON. DICK SWETT

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. SWETT. Mr. Speaker, on May 1-3, more than 1200 students from 47 States and the District of Columbia will be in our Nation's Capital to compete in the national finals of the We the People . . . The Citizen and the Constitution Program. I am proud to announce that a class from Gorham High School in Gorham, NH will represent New Hampshire's Second District. These young scholars have worked diligently to reach the national finals by winning district and State competitions. The distinguished members of the team representing New Hampshire are: Dan Adams, Chris Addario, Dale Burcalow, Allan Carpenter, Ryan Carreau, Ralph Ciaccarelli, James Godbout, Amy Horne, Sarah Lambertson, Leah Lemieux, Ellen McCrum, Bethany Parker, and Jennifer Simon.

I also would like to recognize their teacher, Michael G. Brosnan, who deserves much of the credit for the success of the team. The district coordinator Raymond H. Kneeland, and the State coordinator Carter Hart, Jr. have also contributed a great deal of time and effort to help the team reach the national finals.

The We the People . . . The Citizen and the Constitution Program, supported and funded by Congress, is the most extensive edu-

cational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day academic competition simulates a congressional hearing. Students, acting as expert witnesses, testify before a panel of prominent professionals from across the country in order to demonstrate their knowledge of constitutional issues. Administered by the Center for Civic Education, the program, now in its sixth year, has reached over 12,000,000 students in 21,490 elementary, middle, and high schools nationwide.

The program provides an excellent opportunity for students to gain an appreciation of the significance of our Constitution and its place in our history and our lives today. I am proud of the students representing New Hampshire's Second District and commend them and their teacher for their hard work. I wish them the best of luck in this competition—and a bright future thereafter.

#### JAMES J. CROSS HONORED

##### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the Class of 1997 at the U.S. Merchant Marine Academy.

James J. Cross will soon graduate Woodmore High School after 4 years of outstanding academic achievement as well as extracurricular involvement. During his high school career, Jim has participated in the American Legion's Buckeye Boys State, student council, and marching and pep bands. Jim has also been active in the local chapter of Future Farmers of America, serving as the organization's treasurer.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Jim Cross has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he begins his career in service to our country.

#### TRIBUTE TO WINSLOW TOWNSHIP POLICE DEPARTMENT

##### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. ANDREWS of New Jersey. Mr. Speaker, I rise today to commend the Winslow Township Police Department of Camden

County, NJ, for the fine work they have been doing. The department was first established in 1970 as a full time police department. Its purpose was to help, protect, and serve the residents of Winslow Township who are spread out over more than 58 square miles. Over the years, the department has met the demands of a community which has quickly grown to more than 35,000 people.

The department has developed under the diligent leadership of its chief of police, Anthony Bello, to a total of 62 sworn officers, and 10 civilian personnel. It is composed of a patrol division, a criminal investigation division, a K-0 unit, a highway safety unit, and a special services unit. Chief Anthony Bello has been a pioneer within the ranks of law enforcement with the establishment of a specialized unit comprised of two officers whose duties are the strict enforcement of environmental crimes. Chief Bello has also developed a specialized unit whose sole purpose has been the suppression of illegal drug activity. Their success has been highly commendable. The Winslow Township Police Department has met the challenge of these violent times and should proudly boast of their success. Chief Bello and his personnel are to be commended for a job well done.

#### TRIBUTE TO CAROLE PYLE

##### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. LIPINSKI. Mr. Speaker, I rise today to congratulate Carole Pyle on the special occasion of her retirement from her position as the principal of Concord School in Cass district 63 in southeast DuPage County, IL. Mrs. Pyle has worked in the district for 28 years, the last 19 of which she served with distinction as principal of the K-4 school.

Mrs. Pyle began her work in the district teaching English, reading and science at Cass school and later became the first principal at Concord School.

In addition, it has been voted unanimously by the District 63 Board of Education to grant the Distinguished Service Award to Carole. This award is given to a school district employee who has served the district in an exemplary manner for 20 or more years.

The Cass School District 63 Superintendent Robert Leli described Carole best stating: "She's a class act, an interesting person and an outstanding educator."

Mr. Speaker, I am pleased to commend Mrs. Pyle for her tremendous contributions to our community and for her commitment to educating our youth. Her years of service to the students of Cass School District and the State of Illinois have not gone unnoticed. Her work has truly raised the quality of education for our children. I hope my colleagues will join me in saluting Mrs. Pyle for her many contributions and wishing her the very best for the years to come.



# A TRIBUTE TO NUTLEY HIGH SCHOOL: STATE FOOTBALL CHAMPIONS

## HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay special tribute to the Nutley High School football team. The 1992 Raiders claimed the school's first State football crown since 1939. Defeating Morris Knolls in the finals, 39-6, the Raiders convincingly won the North Jersey, section 2, group 3 championship.

Mr. Speaker, the Nutley High School football team is to be commended not only for their victory on the field, but for their perseverance and maturity in rebounding from a 1 and 8 season just 2 years earlier. It is for their patience and commitment to improvement that I commend not only the championship Raider football team, but also the Raider band, Raider cheerleaders, and entire student body.

Mr. Speaker, I ask my fellow colleagues to join me in congratulating Nutley High School as New Jersey State champions.

# MARIAN WRIGHT EDELMAN PRESENTED BARBARA JORDAN AWARD

## HON. HENRY A. WAXMAN

OF CALIFORNIA

## HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. WAXMAN. Mr. Speaker, on May 27, 1993, the Hollywood Women's Political Committee—an organization of professional women from film, television, and the arts—will present its Barbara Jordan Award to Marian Wright Edelman.

As the founder and president of the Children's Defense Fund, Marian Wright Edelman is America's foremost lobbyist for the rights of children. An attorney by training, Ms. Edelman began her career fighting for the rights of children in rural Mississippi. For three decades she has maintained a steady, constant, unwavering focus on the needs of the young.

Marian Edelman has built the Children's Defense Fund (CDF) into one of the best-known, most effective, and most far-reaching humanitarian advocacy groups in America. The CDF has fought strenuously for the fundamental right of children to adequate nutrition, shelter, health care, child care, and education.

We ask our colleagues to join us in congratulating Marian Wright Edelman for this distinguished honor and extending our thanks and best wishes to her.

# EXTENSIONS OF REMARKS

## BLOOD TAX OUGHT TO BE DEFEATED

## HON. JON KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. KYL. Mr. Speaker, as if it weren't bad enough that President Clinton's proposed Btu tax will increase the basic costs of food, clothing, and shelter for most Americans, I have just learned that it will increase the cost of blood for hospital patients as well.

United Blood Services in Arizona, a non-profit blood program, relies heavily on the generosity of volunteer pilots to help pick up and deliver blood supplies across the State. But, instead of encouraging such volunteer efforts as a way of holding down costs, the Clinton Btu tax will dramatically curtail volunteer pilots' financial ability to continue to provide this vital service for Arizona patients because it will raise the cost of aviation fuel by as much as 22 cents per gallon.

As a result, organizations like United Blood Services will be forced to bear those increased costs or use alternative commercial aviation, either of which will invariably raise its costs and service fees to hospitals and patients. Is this the President who wants to make health care more affordable.

Mr. Speaker, this blood tax ought to be defeated.

## TRIBUTE TO ALBERT AND LAVENIA SCRIVNER

## HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the work of Albert and Lavenia Scrivner, two of my constituents from my hometown of Belleville, IL. Albert and Lavenia played a critical role in nationwide efforts to increase safety at railway crossings.

Albert Scrivner worked for Nickel Plate Railroad in Madison, IL beginning in the 1920's. It was there where he realized the importance of safety at a railroad crossing and thought of many ideas to help increase safety. One of his many suggestions that can be found all over our Nation is rumble strips. Albert developed the idea of constructing rumble strips on the approach to a railroad crossing. Drivers are alerted to an upcoming rail crossing because the rumble strip slows their approach.

Then, in 1976, Albert and Lavenia came up with an idea to use reflective paint on railroad warning signs. After being tested by the Illinois Commerce Commission on the St. Louis to Chicago route, this type of sign was found to substantially increase safety. Reflective paint signs are in place at railroad crossings from coast to coast largely because of the Scrivners' dedication to transportation safety and their inventive way of thinking about problems.

I ask my colleagues to join me in applauding Albert and Lavenia Scrivner for their important work in developing visual warning

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signs and rumble strips at railroad crossings. Every time you cross railroad tracks in safety, I ask that you remember the importance of Albert and Lavenia's ideas.

## JOHN P. HARTIGAN III HONORED

## HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has qualified for an appointment as a member of the class of 1997 at the U.S. Air Force Academy.

John P. Hartigan III, will soon graduate from Oak Harbor High School after 4 years of outstanding academic achievement as well as extracurricular involvement. During his high school career, Jake has distinguished himself as a student-athlete, participating in cross country and varsity track. He is a member of the National Honor Society and has received the Scholastic Athlete Award.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Jake Hartigan has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck in his efforts toward a career in service to our country.

## REINTRODUCTION OF THE WORKER PROTECTIONS WARNING ACT

## HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. ANDREWS of New Jersey. Mr. Speaker, I rise today to reintroduce the Worker Protection Warnings Act.

This legislation is designed to benefit the workers who use personal protective equipment, their employers, as well as the companies who manufacture it. Currently, the warnings and instructions provided by manufacturers of similar personal protective equipment are not uniform. As a result, workers may have to be retrained by their employer when the employer changes brands of personal protective equipment or when the worker moves to a new job with a new employer. Furthermore, standards for warnings and instructions can only be mandated on a State-by-State basis, creating a system which is cumbersome, inconsistent, and confusing to workers, safety directors, and personal protective equipment manufacturers.

The Worker Protection Warnings Act will eliminate this confusion by directing the Occu-

pational Safety and Health Administration [OSHA] to establish and mandate uniform warnings for protective equipment. A Federal uniform warning requirement for various types of personal protective equipment would improve workers' understanding of the proper uses and limitations of equipment designed to protect their well-being, as well as simplifying the worker training process. Uniform warnings will also remove the undue burden now placed on manufacturers who must comply with multiple state guidelines. OSHA would be directed to arrive at uniform warnings through a participatory rulemaking procedure involving workers, employers, human factors experts, manufacturers of safety equipment, and other experts in the field.

The legislation defines the term warning as any statement directing or describing one or more actions, procedures, or prohibitions relating to the use of personal protective equipment, which if not complied with, may result in personal injury or death to the user of the equipment. These warnings would relate to the personal protective equipment for occupational use which is intended to protect the eyes, face, head, hearing, extremities, or respiratory tract from workplace hazards. Additionally, the equipment may function as protective clothing, as a protective shield or barrier, as personal fall arrest or safety devices, or as safety and health monitoring and instrumentation devices.

The final regulation would prescribe the full text of each warning and the means by which the manufacturer or seller will communicate each warning to the employer. It will then require the employer to communicate each warning to every worker using the equipment. Furthermore, the employer will be required to train, educate and instruct each worker about the proper use of the equipment, as well as the consequences of failing to observe the warning.

While I do not intend this legislation to reduce the manufacturers' liability for user injuries resulting from defective products, the legislation will legally define what constitutes an appropriate warning, and mandate that all manufacturers of the same type of equipment use specified language to explain equipment uses and limitations, as well as common misuses, thus superseding any varying state guidelines.

As a matter of the House Subcommittee on Labor Standards, Occupational Health and Safety, I look forward to working with Chairman AUSTIN MURPHY and Chairman BILL FORD of the full House Education and Labor Committee. I am hopeful that this legislation can be moved either as a free standing bill or as part of general OSHA reform.

I am eager to work with President Clinton, Secretary Reich, and members of the business and labor communities in developing a commonsense solution to the historically divisive issue of worker safety.

## TUFTONIA'S WEEK

## HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. RICHARDSON. Mr. Speaker, last week thousands of graduates of Tufts University gathered in small and large groups all across our great country to take part in Tuftonia's Week festivities.

This year's celebration, the ninth annual observance, was particularly special to the Tufts community as we inaugurated Dr. John DiBiaggio as Tufts' 11th president. In addition to a formal proclamation ceremony on the Massachusetts campus, local observances ranged from small gatherings in restaurants or clubs to champagne receptions in museums, art galleries, and private homes. Alumni from Boston to Brunei, from Medford to Melbourne, and from Hartford to Hong Kong came together to think Tufts, thank Tufts, and toast Tufts.

Tuftonia's Week celebration derives its name from the title of a venerable Tufts football fight song written by E.W. Hayes, Class of 1916. It is a special time for the more than 65,000 alumni of Tufts to turn their thoughts to their alma mater and to get together with fellow Tuftonians, to reminisce with old friends.

Tufts University was founded in 1852 and enrolls approximately 7,900 students from all 50 States and 109 countries.

As a Tufts alum, it gives me great pleasure to publicly commend this outstanding institution and its devoted graduates for their many public service achievements and accomplishments. I urge my colleagues to join me in congratulating their Tufts alumni constituents who joined in this year's Tuftonia's Week celebrations.

## TRIBUTE TO STUART AND LILLIAN RAFFEL

## HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in saluting Stuart and Lillian Raffel, who are being honored by the Brandeis-Bardin Institute for their tireless work on behalf of the institute and our community.

Lillian and Stuart Raffel exemplify the philosophy espoused by Associate Supreme Court Justice Louis D. Brandeis: "To be a better Jewish American one must learn to be a better Jew."

The Raffels are committed to the Jewish people, Jewish education, and the centrality of the arts in Jewish life. They have a deep and abiding love for music and concern for the development of young Jewish musicians. Each year, they sponsor "Under the Stars," a Jewish concert series at the institute. In addition, they have helped make it possible for many young musicians to receive training at the Brandeis Collegiate Institute's Young Artists Program.

Stuart Raffel has been a longtime member of the board of directors of the Brandeis-

Bardin Institute. He has served as its vice president and chair of its development committee and personnel committee. He is also co-organizer and director of the Heaven on Earth Stable for Handicapped Children, trustee for the Center for Improvement of Child Caring, board member of the Maple Center, a community nonprofit counseling center for Beverly Hills, and reserve lieutenant for the Los Angeles Sheriff's Department.

Lillian Raffel's charitable interests are also varied and extensive. She serves on numerous committees of the Brandeis-Bardin Institute with a particular focus on the arts, education, and development. She is also involved in the work of the Jewish Federal Council's speaker's bureau, the Strawberry Creek Music Festival, Beverly Hills Hadassah, the Los Angeles County Museum of Art, and Sinai Temple.

A former critical care nurse and nursing educator, Lillian Raffel is currently vice president of the Beverly Hills board of education and she serves on the board of directors of United Hostesses' Charities and the committee for school district organization of the Los Angeles County Office of Education. She has previously served on the board of directors and executive board of the California League of Nursing, the board of directors of the Beverly Hills Education Foundation, the executive boards of the Beverly Hills PTA Council and El Rodeo Unit.

I congratulate Stuart and Lillian Raffel on their great honor and wish them good health and continued success in all of their endeavors.

## A TRIBUTE TO THE REV. DR. ALLENE GILMORE

## HON. HERB KLEIN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. KLEIN. Mr. Speaker, I rise today to pay tribute to an outstanding citizen of northern New Jersey, Rev. Dr. Allene Gilmore. This hard-working and dedicated woman has served the community of Paterson with distinction for the past 20 years.

Under Pastor Gilmore's direction, the Gilmore Memorial Tabernacle Church has established a Christian academy, as well as an interdenominational Women's Conference. The pastor and her congregation are currently in the process of opening a 24-hour day care facility and nursing home, so that individuals throughout the community are provided the assistance they deserve.

Pastor Gilmore is the first African-American woman in the northern New Jersey area to have her own religious televised outreach ministry, through which she advises and consults the people that live in this area. She also has a lifetime membership in the NAACP and the National Council of Negro Women.

Not only has she served the African-American community with great devotion and attention, but she has also reached out to help those less fortunate in the entire city of Paterson. The Gilmore Church sponsors a prison ministry, street outreach, a food pantry,



and a mission ministry to Honduras, Haiti and several other churches.

Mr. Speaker, I am honored to have Pastor Gilmore dedicating so much time for the betterment of our community. I would like to thank the Reverend Dr. Allene Gilmore for guiding the people of Paterson for the past 20 years. She has truly been an inspiration throughout northern New Jersey.

**STEPHEN P.A. FODOR, MICHAEL C. PIRRUNG, J. LEIGHTON READ, AND LUBERT STRYER HONORED**

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1993*

Ms. ESHOO. Mr. Speaker, I would like to congratulate Stephen P.A. Fodor, Michael C. Pirrung, J. Leighton Read, and Lubert Stryer for receiving the 1993 Distinguished Inventor Award on April 15, 1993. The inventors are affiliated with Affymax Research Institute in Palo Alto, CA.

These four outstanding inventors received a U.S. patent in 1992 on a breakthrough technique for synthesizing chemicals by using a "biological microchip." Distinguished Inventor Awards are given each year by Intellectual Property Owners, a nonprofit association in Washington, DC. The award recognizes the most outstanding American inventors of the past year and highlights the vital role of creativity and invention in fueling our national economy and maintaining world technological leadership. Recipients of the award are selected from public and private laboratories, large and small companies, universities, and independent inventors.

The Affymax invention provides a tool for synthesizing and screening large numbers of different chemical compounds on a microchip. It employs techniques used in the semiconductor industry to define locations for thousands of diverse compounds in a miniature array on a substrate. Patterns of light are used with photoremovable protecting groups and different chemicals to create and screen large numbers of compounds in the time needed to prepare a single compound by traditional methods.

The invention could be important in the effort to reduce the high cost of health care. "Science Magazine" awarded the inventors its 1991 prize for outstanding article of the year.

Dr. Fodor is a scientific director and principal investigator on a \$2.2 million NIH grant awarded to Affymax in 1992. Dr. Pirrung is an associate professor of chemistry at Duke University. Dr. Read, co-founder of Affymax, is chairman and CEO of Aviron, a company dedicated to the cost-effective prevention of viral diseases. Dr. Stryer is a professor at Stanford University's School of Medicine and the author of "Biochemistry," a major text used in colleges and universities.

The president of Intellectual Property Owners, Roger S. Smith, is calling for greater national attention for brilliant inventors who are striving to push forward the frontiers of technology. Smith said, "We should include these inventors among our national heroes."

I urge my colleagues to join me in congratulating these exceptional inventors on their achievement.

**HEATHER A. LAWS HONORED**

**HON. PAUL E. GILLMOR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1993*

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young woman from my district who has recently accepted her appointment as a member of the Class of 1997 at the U.S. Air Force Academy.

Heather A. Laws will soon graduate Sandusky High School after 4 years of outstanding academic achievement as well as extracurricular involvement. During her high school career, Heather has distinguished herself as a student-athlete and as a leader among her peers, serving as captain of the varsity soccer team. She has also served as vice president of the choir, and as a member of student council, and the academic challenge team.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the United States service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Heather Laws has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating her for her accomplishments to date and to wish her the best of luck as she begins her career in service to our country.

**INVESTMENT COMPETITIVENESS ACT OF 1993**

**HON. SAM GIBBONS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1993*

Mr. GIBBONS. Mr. Speaker, as a member of the Ways and Means Committee, I have been actively involved in efforts to enhance the competitiveness of U.S. firms in global markets. My concern with our competitive position is simple: If we cannot compete in our globalizing economy, we will be unable to maintain and increase our standard of living.

Incentives to increase capital investment in U.S. firms are vital to any effort to improve our international competitiveness. Increased investment leads to increased innovation, and this in turn stimulates productivity and income growth.

The bill that I introduce today will increase capital investment in this country by removing two unnecessary restrictions that greatly limit the international competitiveness of the U.S. mutual fund industry. I am proud to say that our industry is the world leader in developing, managing, and marketing mutual funds. The success of this industry is reflected in the

rapid growth in the number and size of its funds. Notwithstanding this solid record, very few foreign investors own U.S. mutual funds. In fact, foreign shareholders account for less than one-half of 1 percent of U.S. mutual fund shares. The industry's efforts to encourage foreign investment in U.S. funds have been held back in large part by certain U.S. tax barriers that are inappropriate in our changing world.

In response, I am today introducing the Investment Competitiveness Act of 1993. This legislation would remove the impediments faced by foreigners who might otherwise invest in U.S. mutual funds by providing them with the same tax treatment that they currently receive by investing directly or through a foreign mutual fund. Removing these impediments would also put the U.S. mutual fund industry and foreign mutual fund industries on a more equal footing.

Under current law, U.S. funds investing in U.S. securities are disadvantaged by tax withholding provisions that do not apply to foreign funds investing in the same securities. Specifically, while interest income and capital gains realized by foreign investors are generally exempt from U.S. withholding tax, foreign investors in U.S. funds are subject to withholding on their interest income and short-term capital gains. This occurs because, when a U.S. fund distributes the interest income and short-term capital gains that it has earned to its investors, the income is considered to be dividend income; in the case of foreign investors, such distributions are subject to U.S. withholding tax.

My bill would correct this treatment and put U.S. funds on competitive footing with foreign funds by treating interest income and short-term capital gains paid to foreign investors as interest income and short-term capital gains.

The benefits of encouraging foreign investment in the United States through U.S. mutual funds are many. One significant benefit of selling U.S. funds abroad is the capital formation that would result from the inflow in investment dollars into U.S. securities markets. It would increase the pool of equity capital needed to expand existing American businesses and promote the creation of new business ventures. Another significant benefit of encouraging foreign investment in the United States through U.S. mutual funds is that our capital markets would be expanded without leading to the foreign control of U.S. businesses that could result from direct foreign investments. Finally, increasing demand for U.S. fund shares will have a ripple effect as it increases the demand for ancillary fund service providers located in the United States.

**INVESTMENT COMPETITIVENESS ACT OF 1993**

**DESCRIPTION OF THE BILL**

*In General*

Under present law, most kinds of interest and short-term capital gains received directly by a foreign investor or received through a foreign mutual fund are not subject to the 30 percent withholding tax on investment income. However, interest and short-term capital gain income when received through a U.S. mutual fund are subject to the withholding tax. The bill would modify the tax treatment of income received by a foreign investor through a U.S. mutual fund so as to make it comparable to the tax

treatment of the same income when received directly or through a foreign mutual fund.

#### Interest

The Internal Revenue Code imposes a 30 percent withholding tax on dividends and certain types of non-portfolio interest received by foreigners. Portfolio interest (generally, interest on obligations issued in registered form after July 18, 1984) is exempt from the withholding tax. When a U.S. mutual fund receives interest income and distributes that income to shareholders, it is considered dividend income rather than interest—and is therefore subject to the withholding tax when received by foreign investors.

To provide comparable treatment, the bill would exempt from the withholding tax specified kinds of interest when distributed by a U.S. mutual fund to a foreign investor: (1) interest on obligations issued in registered form; (2) original issue discount, market discount, and acquisition discount; and (3) bank deposit interest. (These kinds of interest are currently exempt from the withholding tax if paid directly to a foreign investor.)

Present law generally does not exempt interest from the withholding tax for direct foreign investor in the case where the investor owns at least ten percent of the equity of the corporation issuing the bond. Similarly, the bill would not exempt from the withholding tax interest flowing through a mutual fund from a corporation to a ten percent shareholder in that corporation.

If the bill made no other changes, interest other than the kinds specified above, when received by a foreign investor through a mutual fund, would be taxable at 30 percent even if the investor was from a country that had entered into a treaty with the United States for taxation of interest at a lower rate. To avoid this, the bill includes a provision under which all interest received from a U.S. mutual fund by an investor would be accorded the same tax treatment as if the person had invested directly. The bill does this by characterizing all interest which flows through a U.S. mutual fund as interest (rather than as a dividend); once the interest is so characterized, the appropriate treaty provisions would apply.

#### Short Term Capital Gains

Under present law, short-term and long-term capital gains realized directly by foreign investors (including foreign mutual funds) are generally exempt from the withholding tax. U.S. mutual funds may designate long-term capital gains as capital gains dividends, and foreign investors are not subject to the withholding tax on those gains. However, short-term capital gains of a U.S. mutual fund are currently distributed as ordinary income dividends, and are therefore subject to the withholding tax when distributed to foreign investors.

To provide comparable treatment, the bill would exempt from the withholding tax short-term capital gains received by a foreign investor through a U.S. mutual fund. Capital gains would be calculated in the same way as under present law.

#### Estate Tax

Under current law, a foreign investor is not subject to U.S. estate tax on either (1) debt obligations whose interest is eligible for the portfolio interest exemption from withholding tax, or (2) certain amounts deposited in banks. These assets are deemed not to be property within the United States. However, a foreign investor is subject to U.S. estate tax under current law if these otherwise exempt assets are held indirectly through a U.S. mutual fund.

Under the bill, a foreign investor's fund shares would not be treated as property within the United States, and therefore would not be subject to U.S. estate tax, in the proportion that the assets would have been exempt from estate tax if held directly by the investor.

#### Effective Date

The bill's provisions would be effective with respect to taxable years of mutual funds beginning after the date of enactment.

#### SECTION-BY-SECTION ANALYSIS

##### SECTION 1—AMENDMENT OF 1986 CODE.

Section 1 of the bill states that, unless otherwise indicated, all references to a section or other provision shall be considered to be made to the Internal Revenue Code of 1986.

##### SEC. 2(A)(1)—FLOW-THROUGH OF INTEREST AND SHORT-TERM GAIN TO NON-RESIDENT ALIEN INDIVIDUALS.

Section 2(a)(1) of the bill provides a statutory mechanism by which regulated investment companies ("RICs") may distribute to nonresident alien shareholders certain interest income and short-term gains without tax under Code section 871. To accomplish this objective, section 2(a)(1) provides a proposed new Code section 871(k)—Exemption for Certain Dividends of Regulated Investment Companies. Subparagraph (1) of proposed new Code section 871(k) provides rules for "interest-related dividends" while subparagraph (2) provides rules for "short-term capital gain dividends."

#### Interest-Related Dividends

Proposed new Code section 871(k)(1) provides that certain nonresident alien shareholders shall be exempt from tax under Code section 871 on "interest-related dividends" and defines the terms "interest-related dividend," "qualified net interest income" and "qualified interest income." Proposed new Code section 871(k)(1)(B) provides three exceptions to the general rule in proposed new Code section 871(k)(1)(A) that no tax is imposed on interest-related dividends received by nonresident alien individuals. First, a RIC shareholder who also owns 10 percent or more of the stock of a corporation in which the RIC has invested will be subject to tax to the extent that any interest-related dividend received from the RIC is attributable to interest received from that corporation. Second, an interest-related dividend will be subject to tax unless the withholding agent receives certification that the beneficial owner of the RIC shares is not a U.S. person. Third, if a shareholder resides in a foreign country which is determined by the United States not to provide for the adequate exchange of information, interest-related dividends will be subject to tax.

An interest-related dividend is defined in proposed new Code section 871(k)(1)(C) as any dividend or part thereof which is designated by the RIC as an interest-related dividend in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year. The maximum amount of a RIC's interest-related dividend for a taxable year is limited to the RIC's qualified net interest income, which is defined in proposed new Code section 871(k)(1)(D) as the amount of the RIC's "qualified interest income" reduced by the deductions properly allocable to such income. If the aggregate amount designated by the RIC for its taxable year as an interest-related dividend exceeds its qualified net interest income, only the pro rata amount of each distribution so designated will be an interest-related dividend.

The term "qualified interest income" is defined in proposed new Code section

871(k)(1)(E) to be the sum of three items: (1) any original issue discount on obligations payable 183 days or less from issuance date, (2) any interest includable in gross income on obligations issued in registered form, unless the RIC is a 10-percent shareholder in the corporation or partnership issuing the debt obligation and (3) interest on deposits with banks and certain other financial institutions.

#### Short-Term Capital Gain Dividends

Proposed new Code section 871(k)(2) provides that certain nonresident alien shareholders shall be exempt from tax under Code section 871 on short-term capital gain dividends and defines the terms "short-term capital gain dividend" and "qualified short-term gain." Under proposed new Code section 871(k)(2)(B), the only nonresident alien shareholders not exempt from tax under proposed new Code section 871(k)(2)(A) are those present in the United States for 183 days or more during the taxable year.

A "short-term capital gain dividend" is defined in proposed new Code section 871(k)(2)(C) as any dividend or part thereof which is designated by the RIC as a short-term capital gain dividend in a written notice mailed to its shareholders not longer than 60 days after the close of its taxable year. If the aggregate amount designated by the RIC for its taxable year as a short-term capital gain dividend exceeds its qualified short-term gain, only the pro rata amount of each distribution so designated will be a short-term capital gain dividend.

The term "qualified short-term gain" is defined in proposed new Code section 871 as the excess of the RIC's net short-term capital gain for the taxable year over its net long-term capital loss for such year. In determining the qualified short-term gain, any net capital loss or net short-term capital loss attributable to transactions after October 31 of such tax year shall generally be treated, consistent with the treatment afforded for net long-term capital losses, as arising on the first day of the next taxable year.

##### SEC. 2(A)(2)—FLOW-THROUGH OF INTEREST AND SHORT-TERM GAIN TO FOREIGN CORPORATIONS.

Section 2(a)(2) of the bill provides a statutory mechanism by which RICs may distribute to their shareholders organized as foreign corporations certain interest income and short-term gains without tax under Code section 881. To accomplish this objective, section 2(a)(2) provides a proposed new Code section 881(e)—Tax Not to Apply to Certain Dividends of Regulated Investment Companies. Subparagraph (1) of proposed new Code section 881(e) provides rules for "interest-related dividends" and subparagraph (2) provides rules for "short-term capital gain dividends."

In general, the rules in proposed new Code section 881(e) mirror those in proposed new Code section 871(k). One additional exception in proposed new Code section 881(e)(1)(B) to the exemption from tax for interest-related dividends paid to foreign corporations is that an interest-related dividend received by a controlled foreign corporation is taxable to the extent the dividend is attributable to interest received by the RIC from a person related within the meaning of Code section 864(d)(4) to such controlled foreign corporation. In addition, proposed new Code section 881(e)(1)(C) provides that the "special rules for controlled foreign corporations" that are contained in Code section 881(c)(4)(A) shall apply with respect to any interest-related dividend received by a controlled foreign cor-



poration to the extent that the dividend is attributable to interest that is received by the RIC on registered form obligations (as provided in proposed new Code section 871(k)(1)(E)(ii)) and is not described in clause (i) or (iii) of proposed new Code section 871(k)(1)(E).

#### SEC. 2(A)(3)—WITHHOLDING TAXES.

Section 2(a)(3) of the bill provides for amendments to the tax withholding rules for nonresident aliens and foreign corporations. Proposed new Code section 1441(c)(12)(A) provides that no tax shall be required to be deducted and withheld under Code section 1441(c) from payments to a nonresident alien shareholder, where the amount is exempt from tax under Code section 871 by reason of proposed new Code section 871(k). A comparable rule for shareholders organized as foreign corporations is provided by proposed modifications to Code section 1442(a).

A special rule provided by proposed new Code section 1441(c)(12)(B) exempts a withholding agent from the obligation to deduct and withhold tax on nonresident alien shareholders in two situations, unless the agent has knowledge that tax is due under Code section 871(k). First, no withholding will be required on the portion of an interest-related dividend that is attributable to interest received by the RIC on indebtedness issued by a RIC shareholder or any corporation or partnership with respect to which the RIC shareholder is a 10-percent shareholder, unless the RIC knows that the interest-related dividend is subject (at least in part) to tax. Second, no withholding will be required on short-term capital gain dividends paid to a nonresident alien shareholder present in the United States for 183 days or more during the taxable year unless the RIC knows that the short-term capital gain dividend is subject to tax.

A similar rule in the proposed modification to Code section 1442(a) would relieve the withholding agent from an obligation to deduct and withhold tax on the portion of an interest-related dividend paid to a controlled foreign corporation attributable to interest received by the RIC from a person related within the meaning of Code section 864(d)(4) to such controlled foreign corporation, unless the RIC knows that the interest-related dividend is subject (at least in part) to tax.

#### SEC. 2(B)—FLOW-THROUGH OF INTEREST BY DESIGNATION OF TAXABLE-INTEREST DIVIDEND.

Section 2(b) of the bill provides a statutory mechanism in Subchapter M of the Code by which a RIC may designate a taxable-interest dividend to its shareholders. Proposed new Code section 852(b)(10) defines the terms "taxable-interest dividend" and "net taxable interest income", identifies items treated as interest and provides that shareholders shall treat a taxable-interest dividend as interest.

The term "taxable-interest dividend" is defined in proposed new Code section 852(b)(10)(A) as any dividend or part thereof which is designated by the RIC as a taxable-interest dividend in a written notice mailed to its shareholders not later than 60 days after the close of its taxable year. The maximum amount of a RIC's taxable-interest dividend for a taxable year is limited to the RIC's net taxable interest income, which is defined in proposed new Code section 852(b)(10)(B) as the amount of the RIC's interest earned (other than amounts excluded from income under Code section 103(a)), reduced by deductions properly allocable to such income. If the aggregate amount designated by the RIC for its taxable year as a taxable-interest dividend exceeds its net tax-

able interest income, only the pro rata amount of each distribution so designated will be an interest-related dividend.

Proposed new Code section 852(b)(10)(C) defines the term "interest" to include amounts recognized as ordinary income in respect of original issue discount, market discount and acquisition discount.

Finally, proposed new Code section 852(b)(10)(D) provides that a taxable-interest dividend shall be treated by a recipient shareholder as interest.

#### SEC. 2(C)—ESTATE TAX TREATMENT OF INTEREST IN CERTAIN RIC'S.

Section 2(c) of the bill provides a new proposed Code section 2105(d) to exempt from U.S. estate tax certain RIC interests held by a nonresident not a citizen of the United States. In particular, proposed new Code section 2105(d) provides that RIC stock owned by such a nonresident would not be deemed property within the United States for estate tax purposes in the same proportion that the RIC's qualifying assets bear to the RIC's total assets at the end of the quarter of the RIC's taxable year that immediately preceded the decedent's date of death. The term "qualifying assets" is defined in proposed new Code section 2105(d)(2) to mean assets that, if owned directly by the decedent, would have been bank deposits and certain portfolio debt obligations (as described in Code section 2105(b)), certain debt obligation of domestic corporations that meet the foreign business requirements of Code section 861(c)(1) (and are described in the last sentence of Code section 2104(c)) and other property not within the United States.

#### SEC. 2(D)—TREATMENT OF RIC'S UNDER CODE SECTION 897.

Section 2(d) of the bill amends the special rules for dispositions of investments in United States real property that are applicable to investments in real estate investment trusts ("REITs") to provide comparable rules for investments in RICs. In particular, Code section 897(h)(2) would be amended to provide that shares of domestically controlled RICs would not be treated as U.S. real property interests, the disposition of which results in tax under Code section 897. In addition, Code section 897(h)(3) would be amended to ensure that any distribution by a RIC to a foreign person shall, to the extent attributable to gains from sales or exchanges by the RIC of an asset that is considered a U.S. real property interest, be taxed as gain recognized by a foreign person from the sale or exchange of a U.S. real property interest. Finally, Code section 897(h)(4) would be amended to define a "domestically controlled qualified investment entity" as any REIT or RIC in which less than 50 percent of the value of its stock is held directly or indirectly by foreign persons during the appropriate testing period (which is determined under Code section 897(h)(4)(D)).

#### SEC. 2(E)—EFFECTIVE DATE.

Section 2(e) provides that the amendments made by section 2 shall apply to dividends with respect to taxable years of RICs beginning after date of enactment.

### TRIBUTE TO CLEMENT SOFFER FOR RECEIVING THE DISTINGUISHED INTERNATIONAL SERVICE AWARD FROM YESHIVA UNIVERSITY

#### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. ACKERMAN. Mr. Speaker, I rise to recognize the outstanding achievements of Mr. Clement Soffer, this year's recipient of the Distinguished International Award which will be bestowed by Yeshiva University on the 18th of May. The award will be presented at Yeshiva University's annual dinner, hosted by the Sephardic Council of Overseers.

Yeshiva University president, Dr. Norman Lamm, will present this prestigious honor to Mr. Soffer, in recognition of his invaluable help to secure the exit of 2,600 Jews from Syria. Mr. Soffer is vice president of the Council for the Rescue of Syrian Jews. His valiant and selfless efforts should truly be commended, and fulfills one of the most important mitzvot in the Torah, *pidyon sh'vi'im*, the redemption of captives.

In addition, Mr. Soffer performed an invaluable role in saving numerous Jewish cemeteries from being desecrated. His active efforts to halt the destruction of these cemeteries display the undying love and respect he has for his ancestors. The memorial cemeteries are located in Cairo, Egypt; Pinsk, Belarus; Faro, Portugal; Hamburg, Germany; and Cohin, India.

Mr. Soffer's overwhelming devotion to and love of his community are displayed in the myriad responsibilities he has undertaken. He is intimately involved in many facets of Sephardic life. He is a founding member of the Sephardic Council of Overseers, and serves on the board of the American Sephardic Federation, the executive board of International Sephardic Education Foundation, and is president of Chabad Congregation of Port Washington, NY. Mr. Soffer also serves on the board of Or-Yosef Yeshiva and the executive board of Tzedakah Umarpe.

Mr. Speaker, I would also like to acknowledge two other special award recipients at the Yeshiva University dinner. Rabbi Norman Lamm will present the Distinguished Humanitarian Award to Mr. Elie Tahari, and the Advancement of Higher Education for Sephardim Award will be conferred on Mrs. Nina Weiner. All three honorees have been an inspiration to the council, and have dedicated their lives to serving the Sephardic people and Klal Yisroel.

Honorary chairman of the dinner is the Haham, Dr. Solomon Gaon, director of the university's Jacob E. Safra Institute of Sephardic Studies. Honorary cochairpersons are Dr. Joseph Ates; Anna Elyachar; Ebrahim Eshaghian; Leon Levy; Aghajan Nassimi; the Safra family; Jay Schottenstein; and Ronald P. Stanton. The chief rabbi of the Syrian Sephardic community, Rabbi Jacob S. Kassin, is rabbinic chairman of the dinner.

The Sephardic Council, which was established in 1991, is a leadership body of prominent Sephardim that supports the broad spectrum of Sephardic academic, cultural, and

service programs at Yeshiva University. The council's remarkable work to raise money to provide scholarship assistance to many of its more than 300 Sephardic students is exemplary. The wonderful mitzvot performed by the council would not have been possible if it were not for people such as Clement Soffer.

Mr. Speaker, Mr. Soffer is an extraordinary person, and serves as an impeccable role model. I would like to applaud the noble efforts of Clement Soffer and the entire Sephardic Council.

**CAPITAN REEF MANAGEMENT  
CONSOLIDATION ACT TO EXPAND  
NATIONAL PARKS AND PRE-  
SERVE GEOLOGIC RESOURCE**

**HON. MICHAEL A. ANDREWS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1993*

Mr. ANDREWS of Texas. Mr. Speaker, I have introduced legislation to expand and connect the Carlsbad Caverns National Park to the Guadalupe Mountains National Park by transferring a 5-mile strip of existing Federal land to U.S. Park Service jurisdiction.

My Capitan Reef Management Consolidation Act targets an approximately 24,840 acres which are part of the Capitan Reef complex, a world-renowned exposure of a Permian Age oceanic reef that is an educational Mecca for geologists and the most extensive exposure of its size in North America. The bill would increase by a third the Carlsbad Caverns National Park, while preserving the natural history and native culture of the area.

The site has one of the highest concentrations of significant caves and caverns on the continent, and is already home to the Carlsbad and Lechuguilla caves, making it one of the most renowned speleological sites in the world. The reef escarpment contains abundant examples of Indian rock art and a wide variety of trees and other plant life. Additionally, it provides paleontologists a rare opportunity to study unique prehistoric fossils like the extinct short-faced bear of the Pleistocene Age.

The escarpment is one long geologic unit that extends from the Guadalupe Mountains National Park in Texas northward into New Mexico and Carlsbad Caverns National Park. Although it's one unit, the escarpment's first 5 miles into New Mexico is managed by the Bureau of Land Management [BLM] and the U.S. Forest Service.

With the Park Service, Forest Service, and BLM, this reef is being managed in segments by three different Federal agencies which carry out three different missions. This is unnecessary and inefficient. It only makes sense that such a unique and important geologic resource be managed as one unit.

I learned of the Capitan Reef's world-class stature during a backpacking trip 2 years ago. I was surprised, however, by the reef's segmented management, and quickly recognized how a land transfer would benefit the resource as well as the surrounding communities. Expansion would only add to the almost \$50 million the Carlsbad Park generates for the local economy each year, along with supporting the

city of Carlsbad's efforts to attract a cave research institute.

My legislation does not directly alter the tax base, nor prohibit caving, camping, scientific research, or horseback riding. In fact, it should increase all these activities. I hope my colleagues will join me in preserving a truly extraordinary and irreplaceable resource, the Capitan Reef complex.

**A TRIBUTE TO JUDGE JUDITH  
KAYE AND THE YEAR OF THE  
WOMAN**

**HON. THOMAS J. MANTON**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1993*

Mr. MANTON. Mr. Speaker, the year 1992 has been called the Year of the Woman, and in New York State, 1993 is already shaping up as a sequel. On February 23, 1993, New York Gov. Mario Cuomo nominated Judge Judith S. Kaye as chief judge of the New York State Court of Appeals. Following Senate confirmation Judge Kaye became the first woman to hold this highest post in the New York State judiciary.

Judge Kaye clearly deserves this honor after an incredibly distinguished career as an attorney, scholar, and jurist. These accomplishments began the day she was graduated from NYU School of Law in 1962. At a time when the field was virtually closed to women, Judge Kaye paved a legal legacy that can make every citizen proud. In 1969, she became the first female associate of Olwine, Connelly, Chase, O'Donnell & Weyher, and in 1975, succeeded as the firm's first female partner. In 1983, she became the first woman appointed to the New York State Court of Appeals; the highest court in New York State.

Judge Kaye's illustrious career extends far beyond the legal realm and into the literary community as well. She has written over 35 books since 1987 on various subjects ranging from strictly legal issues to women's role in society. Her literary works are considered works of genius in the legal and social communities. She is well known as one of the greatest legal minds of our time.

One of Judge Kaye's greatest achievements is her role as an advocate for women's equality. Her actions and accomplishments have raised the status of all women. Throughout her career she has continued the fight for human rights. Her work in the field of human rights was recognized when she was named an honoree of the Black Bar Association of Bronx County. Among her many other awards have been, the Florence Allen Award from the Women's Bar Association and the New York University School of Law, Founders' Award from the New York State Women's Bar Association, and the Ruth G. Schapiro Memorial Award.

On April 29, 1993, Judith Kaye will follow in the steps of other great female jurists, including Marie Lambert and Betty Weinberg Ellerin, and receive the prestigious Law Day Award presented by the New York State Trial Lawyers. The New York State Trial Lawyers have been in the forefront of promoting women's

rights and have been committed to the cause of justice and minority rights. They were the first statewide organization to have a woman, Hon. Marie M. Lambert, as president. Thereafter they had a second woman as president; Pamela Liapakes. The New York State Trial Lawyers are affiliated with the Association of Trial Lawyers of America, and Marie Lambert was the first woman elected to the National Association Board of Governors. Judith Kaye's prominent association with this organization shows her dedication to the cause of women and minorities in America.

Judge Kaye's talents as a jurist were recognized recently by Gov. Mario Cuomo in his letter to President Clinton concerning the nomination of a Justice to the Supreme Court. Governor Cuomo called Judith Kaye our own superb chief judge, and recommended her as a possible candidate to succeed Justice White. I hope my colleagues will join me in congratulating Judge Kaye on her latest achievement. I expect her to join the numerous other great jurists from New York who have advanced the cause of justice and equality.

**MS. HOLLY KEMP—WINNER OF  
VOICE OF DEMOCRACY CONTEST**

**HON. TOM DELAY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1993*

Mr. DELAY. Mr. Speaker, as Memorial Day approaches, I would like to draw the Nation's attention to a program that the Veterans of Foreign Wars of the United States has been sponsoring for over 30 years. It is called the Voice of Democracy Broadcast Scriptwriting Program, and through this program over \$10 million have been awarded in scholarships to high school students. Participants must write and record a 3- to 5-minute script on an announced patriotic theme, which this year was "My Voice in America's Future."

I am very proud to say that one of my constituents, Ms. Holly Elizabeth Kemp, was a winner of the Voice of Democracy contest this year. A senior at Lamar Consolidated High School, Ms. Kemp was selected for 1 of 29 national scholarships out of the 147,000 students that participated in the program nationwide. Her script on her "voice in America's future" is not only patriotic, but also passionate and thought-provoking. It sets an example for other young people as they examine their role as citizens of these United States.

On Memorial Day, Americans will reflect upon the sacrifices that were made by those veterans who died defending our country and its ideals. It would do us well also to reflect upon Ms. Kemp's following words, which apply to all Americans:

While my generation lives in America's present, we are part of America's future and we must look to the past to understand why the rights we now have were so important for our founding fathers to fight for, and so important for us to defend.

I congratulate Ms. Kemp, and request that her entire script be entered into the RECORD, so that all may have the pleasure of reading it.



# MY VOICE IN AMERICA'S FUTURE (By Holly Kemp)

Oh say can you see America's future? I can. I am a part of its future, and the first time I truly felt a part of it was the summer before my fifth grade year. My friend's father had taken my friend and me to a Fourth of July celebration. Surrounded by the overwhelming crowds, the three of us joined hands in a chain so my friend and I could continue to watch the fireworks display as we left. Exhausted after the lengthy day, we were led over the rugged open field. Tired as I was, my eyes could not ignore the beautiful display of lights illuminating the sky with bursts of red, white, and blue. While stumbling on the uneven ground, tears welled up in my eyes and I felt goose bumps all over. At that moment I realized my intense love for America, and today, I am proud to be part of a country whose presence of colors can bring an overwhelming feeling of love, dignity, and pride. I can only hope that the people of America's future can share my deeply felt feelings of patriotism. But before we can hear my voice in America's future, we must first listen to what the voices of America's past and present have to say.

The voices of the past are those of our founding fathers. In discontent with the English government's treatment of the colonies, they founded their own country based on the principles of a limited government "for the people, by the people." They created a document, our Constitution, that has withstood the test of over 200 years and they secured the blessings of liberty for themselves and their posterity as they wished to do. The present United States is an embodiment of the blessings of liberty being carried from our Founding Fathers' day, for we are still a democratic country, and the envy of most nations.

But the voices of the present seem to forget this fact. These voices tell us that America is declining. Complaints of government programs and government spending and government anything run rampant. Perhaps the voices are forgetting something—we are still free. We have the right to take part in our government and if we have complaints we can change what our establishment plans to do. We have the right to a fair trial where we are innocent until proven guilty. We have the right to bear arms and defend this great country of ours if need be. But, most importantly, we have the right to have a voice. If we feel something is wrong with our establishment, we can make our views known without fear of persecution. The voices of the present are taking advantage of this right—and there is nothing wrong with taking advantage of it. By voicing our concerns about our country, in essence, we are showing how great it truly is.

What do people expect my voice in America's future to say? In a 1952 speech to an American Legion Convention, Adlai Stevenson said "Patriotism is not a short and frenzied outburst of emotion, but the tranquil and steady dedication of a lifetime." The support of Desert Storm and the voter turnout of the recent presidential election are perfect examples of the outbursts of which Mr. Stevenson spoke. While a great deal of support followed the men and women in the Persian Gulf, the rallies and Americana items were not around for long after the war. In the recent election, a large number of voters turned out who had never bothered to vote before. These "short and frenzied outbursts" can become a lifetime dedication when consistently supported. As an adult, I plan to support my country by consistently

voicing my patriotism and consistently voting. But more importantly, I plan to possess the "tranquil and steady dedication of a lifetime" by bringing up a strong family, and educating America's group of future leaders, our country's youth. America has a bleak future without strong families. One of my ambitions is to be a great parent and role model for my children and bring them up with the high moral standards my parents have taught me. When the difference between right and wrong is defined and a choice is given, children who were reared with high morals will make the right choice and continue to make the right choices in adulthood. When America is handed over to my generation, I also aspire to become an educator, since I believe educators are people who can make a huge difference in this country. A great educator can inspire people to work up to their true potentials when they may have been underestimated before, and a great educator can provide the knowledge to allow their potentials to be fully developed. This country can only continue to be a beacon for the world when it is populated with productive people who are the product of caring parents and educators. These people realize the importance of the freedoms, rights, and liberties of our country.

While my generation lives in America's present, we are part of America's future and we must look to the past to understand why the rights we now have were so important for our founding fathers to fight for, and so important for us to defend. When America's future becomes America's present, it will be my generation's responsibility to protect these rights of all who sit under the exploding lights of American celebrations, in this land of the free, this home of the brave.

## TRIBUTE TO EMMA LEE TURNER

### HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. SMITH of Michigan. Mr. Speaker, on May 11, 1993, a very special woman in Jackson, MI, will join the octogenarian club. Known to family, friends, and acquaintances in Jackson, Chelsea, and Dexter as a woman of extraordinary verve, compassion, wisdom, strength of character, decency, and generosity, Emma Lee Turner has truly made the past 80 years a gift of love and joy to those fortunate enough to know her. A celebration will be held on Mother's Day in her honor. For those whose lives have been touched by her, it will be a celebration in the fullest sense of that word.

Emma Lee Bugg began this life modestly. Born the second of three children on a small farm in Fulton County, KY, and orphaned at the age of 13, Emma Lee was forced to be independent at a young age. As she cared for a dying mother and then helped raise her younger brother, Emma Lee managed to get an education and at the age of 18 moved to Jackson, MI, to live with an aunt and uncle and seek employment. While in Jackson, she was introduced to a handsome suitor from Kentucky, Conrad Turner, who quickly stole her heart and became her lifelong companion. Struggling through the devastation of the Great Depression, Emma Lee and Conrad moved from Jackson to Chicago in search of

work before finally settling down in Dexter for the majority of their adult lives. She would ultimately retire as an inspector with Dexter Automatics.

Emma Lee gave birth to two children, Shirley Jean and James Richard, who were instilled with the values of hard work, honesty and integrity, dedication to learning, and love for country that Emma Lee believes is so important for a successful, fulfilling life. They would both take these lessons and make their own lasting contributions to society. Emma Lee has 8 grandchildren and 10 great grandchildren, all of whom adore her. For them, some of their fondest memories of childhood were weekend trips to grandma Turner's and the delectable Sunday feast following church. For her children and grandchildren, Emma Lee remains a towering figure of goodness and unflagging morals, a heroine, an ideal—the embodiment of the best that they will strive to become.

Emma Lee's natural curiosity and quest for knowledge has taken her and Conrad to all 50 States. A faithful servant of God, Emma Lee attends church regularly and reads the Bible frequently. She keeps current on world events and can hold her own in family debates on public policy issues.

A great cook, philosopher, teacher, friend, coworker, mother, and grandmother, Emma Lee has left an indelible mark on the lives of many. On May 11, when Emma Lee Turner turns 80, her family and friends will thank the Lord for her life.

## FAIRNESS IN PRODUCT LIABILITY ACT

### HON. J. ROY ROWLAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. ROWLAND. Mr. Speaker, today I introduce the Fairness in Product Liability Act of 1993. This legislation has the bipartisan support of 33 additional cosponsors.

Almost everyone knows that our liability system is in need of repair. As a medical doctor, it is disturbing to read of the decline in research in pharmaceuticals and other medical devices.

Recently, Science magazine stated that a careful examination of the current state of research to develop an AIDS vaccine "shows that liability concerns have had negative effects." It points out that Genentech, Inc. halted its AIDS vaccine research. When its partners expressed liability concerns, Immune Research Corp. had to delay human trials for its vaccines. And, Bristol-Myers Squibb abandoned one promising research approach. We are a nation crying for a declaration of war on the problem of AIDS, yet we aren't giving our troops the weapons to fight the battle.

Liability problems, of course, are not tied exclusively to medical advances. "The Liability Maze," published by the Brookings Institution, points out that everyone is hurt under present product liability laws:

Consumers pay the bill for product liability suits in every product they buy—from football helmets to ladders to essential vaccines.

Consumers have lost the benefit of products that have been withdrawn from the marketplace because of product liability concerns.

When exorbitant liability suits put companies in financial jeopardy or out of business, workers lose jobs and consumers lose access to vital products.

A critical change in the objectives of provisions sparked my interest in product liability legislation—and has resulted in the renewed and evergrowing momentum behind it. This legislation seeks to ensure uniformity, and to place responsibility for accident prevention in the hands of those best able to prevent it.

Uniformity is vital to give our manufacturers a consistent set of rules by which they can manufacture products—the current hodgepodge of 51 separate and disparate laws sends mixed messages and allows plaintiffs lawyers to shop for the State where the laws are most favorable to their client. Governors recognize this. Almost 2 years ago, after finding that the current system causes inflated prices for our consumer goods, the discontinuation of necessary product lines, and our international competitiveness was adversely affected, the National Governors' Association unanimously called on Congress to enact a Federal product liability system.

As I stated earlier, this bill is almost identical to the legislation last year. The one significant change we made was in the worker's compensation section. The change resolves a debate between manufacturers and employers from recovering workers compensation from manufacturers of a product that injured one of their employees. This year's bill states that the manufacturer must prove by clear and convincing evidence that the employer was at fault for the injury. The amendment still meets my objective to encourage employers to maintain a safer workplace.

Congress must bring certainty to our Nation's product liability laws. Our consumers cannot afford to continue to pay the liability tax that is imposed on all goods sold here. Finally, I cannot emphasize strongly enough that our bill seeks fairness for all, not just business, not just consumers, but for all of us.

#### PENSION PORTABILITY IMPROVEMENT ACT

**HON. SAM GIBBONS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GIBBONS. Mr. Speaker, I am pleased to rise today to introduce the Pension Portability Improvement Act of 1993, H.R. 1874. The purpose of this legislation is to increase the adequacy and efficiency of the Nation's private pension system by reducing pension vesting requirements, improving the portability of earned pension benefits, and encouraging the preservation of such benefits for use in retirement.

Far too many working Americans incur substantial reductions in pension benefits as a result of job changes during their working careers. And if recent events are indicators of future trends, the frequency of job and even career changes will increase markedly in the

years ahead. More and more companies are scrambling to reduce costs in response to continuing cutbacks in defense spending, increasing foreign and domestic competition and structural changes in the American economy by laying off thousands of managerial, professional, production, and support service workers.

#### HOW JOB MOBILITY REDUCES PENSION BENEFITS

Mobile workers who are enrolled in employer-sponsored pension plans lose income in retirement if they change jobs before earning a vested right to a pension benefit; if their benefits are based on salary and years of service and cannot be transferred to another plan; or if they spend rather than save cashed out pension benefits when they change jobs.

When workers move from one job to another, their Social Security benefits move right along with them. But if they change jobs before working at least 5 years for a company that offers private pension benefits, they stand to lose some or all of those benefits. If their employers offer 401(k) plans, they'll get the money they invested in the plan but they'll have to give up most, or all, of their company's contributions. Why? Because regardless of the type of pension coverage offered, current law calls for at least 5 years of continuous service before covered workers become fully vested—that is, acquire a legal right to benefits—in their company's plan.

And that's a real problem since the current job tenure for the typical worker is only 4.5 years, just 6 months short of the time required to become fully vested in most pension plans. Women workers, whose median tenure is only 3.7 years, are even more disadvantaged by current vesting standards.

Job mobility losses are particularly severe for workers who are enrolled in defined benefit plans. Although such plans can reward long tenured workers with generous pensions, they pay much smaller benefits to mobile workers since promised payments are based on final salary and years of service and are usually not transferable when workers change jobs. And because the amount of the benefit is frozen it loses real value to inflation between job termination and retirement.

The value of assets in defined contribution plans, on the other hand, is based solely on amounts contributed to the plans and the market performance of the fund(s) in which they are invested. And since defined contribution plans routinely transfer accumulated assets to terminating employees, vested workers can avoid job mobility losses by reinvesting their cashed out benefits in individual retirement accounts [IRA's] or other retirement savings plans following changes in employment.

In spite of adverse tax consequences, however, many workers who have received cashed out pension benefits at job termination have elected to spend some or all of those benefits instead of saving them for retirement.

#### HOW H.R. 1874 WILL REDUCE JOB MOBILITY LOSSES

The legislation that I am introducing today will go a long way toward reducing the losses in pension benefits that currently result when workers change or lose their jobs. H.R. 1874 is needed to reduce restrictive vesting requirements; to guarantee the portability of earned benefits, and to promote the preservation of such benefits when workers change jobs.

More specifically, the current cliff vesting requirements will be reduced from 5 years to 3 years for single-employer plans and from 10 years to 5 years for collectively bargained multiemployer plans. In addition, the current 3- to 7-year graded vesting standards will be reduced to 1- to 5-year graded vesting standards.

Pension portability will be improved by guaranteeing all vested plan participants the right to transfer their earned benefits to individual retirement accounts [IRA's] or to other portable pension plans following changes in employment. Amounts to be transferred will consist of the present value of each participant's future benefits in a defined benefit plan or the vested account balance in a defined contribution plan. The present value of preretirement transfers from defined benefit plans will be calculated using a formula designed to protect the purchasing power of such benefits from the adverse effects of inflation.

Preservation of preretirement distributions of earned benefits will be encouraged by providing for the direct transfer and reinvestment of such distributions in individual retirement arrangements, individual account plans, simplified employee pensions, or other portable pension plans that can accept such transfers. An added benefit will be that terminating employees will be shielded from the 20 percent withholding requirements that were enacted in 1992 to help pay for an extension of Federal unemployment benefits.

My bill also includes a number of important protections and safeguards that will benefit mobile workers. Transfers of earned pension benefits will be subject to current rules governing allowable distribution forms, timely notification of participants and spousal consent requirements. Portable plans will also be required to meet certain asset control tests in order to qualify for the receipt of direct transfers of earned benefits from other tax-qualified plans.

H.R. 1874 will also allow certain collectively bargained plans that already provide for portability of pension benefits to be exempted from the applicability of the proposed law.

Mr. Speaker, Members of Congress have long been concerned about the pressing need to improve the portability of pension benefits. For almost as long as I have been in Congress, we've been talking about making pensions portable. The bill that I am introducing today will enable us to do something about this very important problem. The modest reforms it contains are long overdue and are urgently needed to reduce the substantial pension losses that currently result when pension plan participants change or lose their jobs.

Thousands of engineers, nurses, and other health care providers, scientists, teachers, and other increasingly mobile workers in the goods producing and service sectors of the American economy will benefit directly from prompt enactment of H.R. 1874. I'm very pleased to announce that the bill has been endorsed in principle by representatives from 18 national engineering societies, including the Institute of Electrical and Electronic Engineers. Together these organizations represent over 800,000 engineers and scientists in all parts of the country. A number of national women's organizations, including those belonging to the wom-



en's pension policy consortium have also expressed strong support for reforms contained in the bill.

# INTRODUCTION OF THE PRIVACY FOR CONSUMERS AND WORKERS ACT OF 1993

**HON. PAT WILLIAMS**

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1993*

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce the Privacy for Consumers and Workers Act of 1993. This legislation was reported by the Education and Labor Committee in the 102d Congress—H.R. 1218; House Report 102-1024—and had more than 165 bipartisan cosponsors.

My Subcommittee on Labor Management Relations held two hearings on this issue in the 102d Congress on June 11 and July 23, 1991. Earlier, in the 100th Congress, the Subcommittee on Courts, Civil Liberties, and the Administration of Justice held a hearing on a similar bill, H.R. 1950, on July 15, 1987.

This legislation is intended to protect employees by providing them with a right to know when they are being monitored or recorded electronically while performing their jobs. The bill would require employers to give employees prior notice when they are being monitored electronically as well as to disclose the types of monitoring being used.

The legislation includes provisions which: Require all monitoring to be relevant to the employee's work performance; guarantee an employee's access to data collected about his or her work performance; and limit disclosure and use of this data by the employer. My bill would also bar employers from collecting data about their employees' exercise of first amendment rights, such as contacts with union representatives.

Why is this legislation necessary? Perhaps the most glaring statistic is the number of people being monitored. In 1987, the Office of Technology Assessment estimated that 6 million workers were being monitored. According to the National Institute for Occupational Safety and Health, 66 percent of all computer operators are monitored. With the computerized work force now standing at 40 million, it is estimated that as many as 26 million workers may be under computer surveillance. Where once only a few kinds of workers such as telephone operators and airline reservation agents were monitored, new technological capabilities now track employees from truck drivers to nurses and journalists.

How does this occur? Computer companies now provide their customers remote control local area network [LAN] products, which allow secret monitoring of other PC's on the network. According to the May 13, 1991, issue of Infoworld, there are currently 11 such programs in existence. One product gives the user the power to take remote control of a user's screen. Another advertises its ability to, "look in on Sue's screen. You monitor her for awhile. In fact, Sue doesn't even know you're there." Such scenarios surely call into question the legal and ethical ramifications of electronic monitoring.

The Massachusetts Coalition on New Office Technology conducted a survey of almost 700 employees from 49 companies in a dozen industries. Among the survey findings was that 65 percent of the employees could not do a quality job because they have to work too fast. Many other studies show that monitoring not only causes employee stress, but also adversely affects business productivity.

Let me comment on electronic monitoring in the workplace with one final point. Under current law, the Federal Bureau of Investigation, pursuant to the fourth amendment's prohibition of search and seizure, is required to obtain a court order to wiretap a telephone. That requirement even extends to cases involving national security. Does the law require this for workplace monitoring? No. Workers can be listened to without even the courtesy of notification, but people suspected of criminal behavior by the FBI are afforded the protection of court action prior to wiretapping. Is this a consistent interpretation of "search and seizure" under the fourth amendment? Shouldn't workers be protected from covert monitoring when our Constitution protects anyone suspected of criminal behavior? To do otherwise would be to deny America's workers comparable treatment. It seems only fair that, at the very least, employers should be required to give notice to workers when they are being monitored.

Today, I am introducing legislation that is very similar to last year's H.R. 1218 as reported. There are modifications to accommodate interests of the Energy and Commerce Committee as well as members of the Education and Labor Committee. There are also minor changes in the structure of the legislation. This legislation extends coverage to the Senate whereas the House-reported bill last year only extended coverage to the House. All of these changes are designed to make the legislation easier to comprehend and implement.

## NATIONAL HOLOCAUST MUSEUM OPENING

**HON. GARY A. FRANKS**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1993*

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today to recognize today's opening of the U.S. Holocaust Memorial Museum. This museum will serve as a reminder to the American people of the horrible atrocities that led to the annihilation of 6 million Jews in Nazi Germany.

I believe it is important that we never forget this dark episode in global history. This museum will provide a monument to those individuals who gave their lives in the Nazi death camps like Auschwitz, and to those who survived the inhuman ordeal. I feel it is important that our children learn about this tragic event, so we can ensure that it never happens again.

The museum will also honor those who stood up to the Nazis. In 1943 several hundred young Jewish men and women held off a heavily armed battalion of 2,000 Nazis in the Warsaw ghetto before it was burned to the ground. Additionally, the Catholic Church is

also recognized for their efforts in producing fake baptismal certificates, underground railroads, and convents and monasteries to assist the Jews.

Mr. Speaker, in the summer of 1991 I traveled to Israel, and during my stay I viewed first hand the Israeli memorial to the victims of the Holocaust. I was moved by this visit, and I am glad that Americans will have a similar memorial to learn about and pay tribute to the victims of the Nazi extermination.

The Holocaust was certainly among the darkest moments in history. I hope we have learned from this terrible period in human history that we must rise up against bigotry and hatred based on religion or race. I believe it is the responsibility of the democracies of the world to band together and prevent this tragedy from ever occurring again. During the Holocaust, many nations including the United States closed their borders to Jewish refugees. We must not let history repeat itself, for standing silent is as equally destructive as pulling the trigger itself.

Today we face a new challenge in Bosnia. The Serbian ethnic cleansing program is shockingly similar to the bigotry and hatred that led to the Holocaust. We must act to prevent these atrocities from continuing and we must provide assistance to those who reach out for it.

Finally, Mr. Speaker, I would like to express my gratitude to all of the individuals whose hard work and dedication led to the opening of the U.S. Holocaust Memorial Museum.

## MARGARET M. IRONS HONORED

**HON. CURT WELDON**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1993*

Mr. WELDON. Mr. Speaker, I rise today to honor Miss Margaret M. Irons, a devoted leader, dedicated teacher, and active and caring member of my community. Miss Irons, soon retiring from Grace Park School in Ridley school district, has been a valuable member of its faculty for over three decades.

Miss Irons received her high school diploma in 1955, graduating from Notre Dame Academy, one of the finest all-girls private schools in the area. She continued her hard work and dedication at West Chester State Teacher's College and in 4 years earned her bachelor of science.

On September 8, 1959, Miss Irons began her teaching career at Grace Park and has been teaching the third grade ever since. In addition, she has been an active member on school district leadership committees. She retires as a member of the Elementary Social Studies Task Force, the Grace Park School Community Advisory Council, and the Ridley School District Long Range Planning Committee.

Beyond her teaching success, the community has been grateful for her active participation outside of the classroom. Miss Irons has been an enthusiastic fundraiser for the Ridley Education Association scholarship committee. In addition, she has been an active member of Catholic alumni groups and various Catholic

charity and service groups. On June 18, 1993, the Ridley School district and its surrounding community will deeply regret the retirement of a dedicated teacher, who is well known for her activism, assistance, and concern for her community. I join the entire community in wishing Miss Irons well in her retirement and whatever future endeavors she will undoubtedly pursue.

# AQUINAS CHAMPIONS

## HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. DINGELL. Mr. Speaker, I rise today to recognize members of the Southgate Aquinas High School basketball team, which is located in my congressional district. The Raiders recently capped a 28-0 season by capturing the 1993 Class C State championship title. Along with winning the championship Aquinas had many other successes this year. The team was the first Catholic school to win the Detroit City championship, Operation Friendship, since the mid-1980's; they captured the Catholic League Championship, as well as winning the Aquinas Christmas Tournament.

With their outstanding 28-0 record, Coach Ernie Price and the team accomplished everything they could dream of and more. The great season led to many deserving personal awards.

The first of these awards was when player Jon Garavaglia was honored with the Hal Schram Mr. Basketball Award. He has been only the second Downriver player to have been honored to receive this award, he was also named to the McDonald's All-American Team, to the first team All-State all classes, to the first team All-Catholic, Downriver Dream Team, and as a member of Nike All-American team.

The awards and talent on the Aquinas basketball team did not stop there, sophomore sensation Jason Singleton was named to the second team All-Class C, the first team All-Catholic, and a member of the Downriver Dream Team. The teams' assist leader was Antoine Campbell who was also named first team All-Catholic, first team all area, and 5th team all State. T.J. Emerick was yet another outstanding player essential to the team success. His defense was about the best on the team. Emerick was also named first team All-Catholic, and first team All-Area. Eron Mitchell and Lawrance Simmons were both named second team All-Catholic and honorable mention in all league and All-City.

Aquinas was expected to win the State finals from the beginning. The trip to the basketball finals was, however, the first in school history. What they lacked in final experience they made up for with team experience. Three of the starters have been starters since their sophomore year and four of the starters are seniors.

I am proud to extend a special salute to the Aquinas Raiders. The school has a tradition of scholastic excellence and athletics. I also salute head coach Ernie Price, his staff and the young men who made up this winning team.

Staff; Principal, Rich Kuhn; athletic director, Ernie Price; head coach, Ernie Price; assistant

# EXTENSIONS OF REMARKS

coaches, Jim Perry, Mike Laginess, and Bill Elkin.

Players: Jon Garavaglia (senior starter); T.J. Emerick (senior starter), Lawrance Simmons (senior starter), Antoine Campbell (senior starter), Jason Singleton (starter), Aaron Burke (senior), Mark VanDenbergh (senior); Brad Wilkerson, Eron Mitchell, Mike Silmon, John Cooper, Tom LaComb, Nate Purcell, Kelvin Sanders, Phil Pollick, and Russ Martin.

## SAMUEL E. ULERY HONORED

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the Class of 1997 at the U.S. Air Force Academy.

Samuel E. Ulery will soon graduate Oak Harbor High School after 4 years of outstanding academic achievement as well as extra-curricular involvement. During his high school career, Sam has distinguished himself as a student-athlete and as a leader among his peers, serving as captain of the track team and captain of the football team. He has served as president of Teen Leaders, vice president of his class, and as a member of the student council.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the United States service academies. While at the Academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Sam Ulery has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he begins his career in service to our country.

## INTRODUCTION OF THE MARINE BIOTECHNOLOGY INVESTMENT ACT OF 1993

### HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. STUDDS. Mr. Speaker, today I introduced the Marine Biotechnology Investment Act of 1993. The purpose of this bill is to stimulate research and development in marine biotechnology through a program of grants administered by the National Sea Grant College Program. Sea Grant has a 26-year track record of supporting applied marine research and development and is the ideal guardian of this initiative.

After millennia of unregulated use, mankind's capacity to exploit and pollute marine resources has outstripped the ocean's amaz-

ing capacity to heal itself and replenish its bounty. Fisheries stocks are depleted from a combination of overfishing, the effects of coastal pollution, and habitat destruction. Pollution has closed large areas to shellfishing while disease decimates many of those oysterbeds that remain open. Oil spills occur with alarming frequency, soiling previously pristine shorelines.

Why is this happening? Unfortunately, once again, we are the problem. More and more of us are competing for fewer and fewer resources.

When this Nation was young the wealth of natural resources available to our forefathers was as vast as the oceans themselves. Today, the world is a much smaller place, and even the oceans have a limit to their bounty. Our challenge now is to learn to conserve, manage and, yes, even enhance, the raw materials that nature provides. We must learn how to help the oceans produce more. The alternative—the unacceptable alternative—is to continue the exploitation of these resources until they are completely exhausted. This is not the legacy we should leave for the future inhabitants of this water planet.

We must turn our technology toward increasing production—growing more fish—instead of more efficient capture. By developing vaccines and enhancing the processes that make fish grow, biotechnology may dramatically increase the productivity of aquaculture.

We must also apply modern biological techniques to the untapped reservoir of genetic raw material found in the oceans. So far, the results are very promising, and have yielded adhesives, lubricants, anti-inflammatory drugs, and anti-fouling agents, to name but a few examples.

For a number of years, the Federal Government has spent about \$4 billion dollars annually on biotechnology research. Of this amount, less than \$44 million per year, or slightly more than 1 percent, has been spent on marine biotechnology. The great promise of marine biotechnology in food production, pharmaceuticals, and industrial applications, cannot be realized with this minuscule level of support. The Marine Biotechnology Investment Act addresses this imbalance by seeking to increase investment in marine applications.

To make these scarce Federal dollars go further, my bill requires non-Federal sources to supply one-third of the cost of each project. By requiring this investment up front, this also solidifies the commitment of the non-Federal source to the project. Proposals for research, technology transfer, and educational projects will be reviewed by a national panel of experts in marine biotechnology to ensure that only those of the highest quality are funded.

Mr. Speaker, there has been a lot of discussion about the need to create more jobs and a lot of disagreement on how to do it. Here's a good way. This legislation will give the green light to an industry that is extremely promising, not just in coastal regions but nationwide. Marine biotechnology creates the high-wage, high-skill jobs that our Nation so badly needs. In addition, by increasing the production of aquaculture and creating better methods of environmental remediation, this technology can help heal our wounded oceans.

The United States is the world leader in marine biotechnology. But this lead is being chal-



lenged and eroded by our competitors. The time to invest in U.S. industry is now, and the place to invest is here.

I urge my colleagues to cosponsor and support this legislation.

# INTRODUCTION OF THE WELFARE REFORM AND RESPONSIBILITY ACT OF 1993

**HON. ROBERT E. WISE, JR.**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1993*

Mr. WISE. Mr. Speaker, today I introduced the Welfare Reform and Responsibility Act of 1993, a bill designed to make the welfare system more accountable by moving people from the welfare roll to the payroll and to help support them once they get a job.

My bill would require all eligible welfare recipients who are not enrolled in education or job training programs to participate in a work experience program in their community. Our country has a wide range of unmet public needs in areas such as public works, parks, nature preserves, community organizations, volunteer organizations and schools. I believe that instituting a community work program such as the one included in my bill will give welfare recipients valuable work experience and a sense of dignity, and will help society in the process.

My bill has several incentives to help former welfare recipients stay off the welfare rolls and on the payroll, including provisions to permit welfare recipients to keep more of their earned income. This would encourage recipients to find jobs to supplement their benefits and, eventually, to move into the work force.

My legislation also addresses two of the biggest obstacles that welfare recipients face in retaining a job by extending the eligibility period for former welfare recipients for medical and child care assistance.

Enforcement must be part of any comprehensive welfare reform legislation. My bill would create welfare review panels in each state comprised of former State judges. These panels would review welfare cases after 2 years to evaluate each client's participation in the JOBS and work experience programs. The panels would also be empowered to reduce AFDC benefits if the participation requirements are not met.

My bill would also:

Combat welfare fraud by requiring States to establish, staff and publicize 24-hour 1-800 telephone numbers for reporting welfare fraud and abuse claims;

Require States to develop individual employability plans, including specific goals and timetables, designed to move each welfare recipient from welfare to work in 2 years;

Make previously appropriated Federal JOBS job training money more accessible to States hard hit by the recession and unable to make the State match;

Support the family by requiring States to establish parenting classes and to make them available for all teenage parents, and

Provide incentives for the use of certain contraceptives.

I believe that this bill, which builds on the successful elements of the 1988 Family Support Act, represents a comprehensive and balanced approach toward moving welfare recipients from welfare to work.

# THE LESSONS OF WACO MUST NOT BE IGNORED

**HON. MAJOR R. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1993*

Mr. OWENS. Mr. Speaker, some of the most deadly elements of American culture came together in Waco, TX. The result was a bizarre tragedy which exploded in the face of a world struggling to maintain a foundation for a human civilization. Far more important than the need to fix blame on individuals, there is an urgent need to carefully analyze this landmark disaster for the purpose of cleansing our society of these kinds of poisons.

The glorification of violence; the official permissive position which allows the proliferation of guns and weapons; the self-serving distortion of the second amendment by the National Rifle Association; the macho mind-set of the ATF, the FBI, and other law enforcement agencies; the adoration of celebrities who achieve their 15 minutes of media fame disregarding all moral standards; the continuing trivialization of the need to take all measures necessary to ensure the basic health, welfare, and safety of children; the continuing refusal of the Government to take minimum steps to protect citizens from racketeering religious enterprises like the cult of David Koresh; all of these elements came together at Waco.

We can assume that probably most of the adults who died in the Waco inferno were responsible for their own fate. But for all of the children who died in that inferno we must all bear part of the burden of blame: Every legislator at any level of government who has not aggressively pushed for new laws to limit the proliferation of guns and other deadly weapons is guilty. Every adult who has failed to speak out against the television, videos, and films which indoctrinate our youth with a glorification of violence is also guilty. Every voter who refuses to demand laws and appropriations which offer greater protection for children is guilty. The blood of the innocent children who died at Waco is on the collective hands of our total society.

Beyond the blame we must dedicate ourselves to intense analysis and aggressive action to guarantee that what happened to the children of Waco will not be allowed to happen again. Each one of the elements listed above must be purged from our society.

Mr. Speaker, to graphically document the bizarre tragedy at Waco the rap poem below attempts to enter the mind of David Koresh. This is a mind that has been shaped by the fecal elements of our American culture.

THE LAST WACO RAP OF RAMBO DEVIL DAVID

Let's get it on  
ATF FBI NRA  
We are one  
All worshippers of the  
Almighty gun

Turn out reason's light  
Among Rambo brothers  
Waco is a family fight  
Patience leave to liberals  
And child loving wimps  
Action is the credo  
Of second amendment pimps  
Let mothers cry  
But kids must die  
Under beautiful  
And spacious skies  
This celebrity prophet  
Tells you no lies  
I am that I am  
All American David  
Descendant of the second amendment  
My gun club is in hell  
Rambos with rifles and rights  
We are a special race  
To negotiate  
Is a tribal disgrace  
Let's get it on  
Our bunker is wired  
Your hostage team is tired  
Taxpayers demand an end  
Waiting wastes their  
Money again  
Let's get it on  
Some kids will be killed  
Monster media will be thrilled  
Your hostage team is tired  
Send for reinforcements  
Hand a rifle  
To Macho Ross Perot  
Rambos all let's to  
O say can you see  
A few pages of history  
Reserved just for me  
Your hostage team is tired  
Stand Navy out to sea  
From Montezuma's halls  
Send the Marines to get me  
Let's get it on  
Green Berets  
Stop lazing around  
Send your baddest  
To Waco town  
Let's get it on  
Stop envious  
Feminists gripes  
Let Lady Janet  
Instantly earn her Rambo stripes  
My country tis of thee  
Honors go to all those  
Who shoot and  
Die with me  
Loyal rifle patriots  
Stay on your knees  
Earn the highest medals  
Granted in Hades  
My time on TV  
And a place in history too  
Confess your sins  
Admit I entertained you  
Technicolored flames  
With authentic certified heat  
On camera explosions  
All real neat  
To see Stallone  
The poor have to pay  
My church  
Served free thrills  
Day after day  
All American David  
I am that I am  
Descendant of the second amendment  
And it must come to pass  
A prophet of my class  
Is destined to do his thing  
Waco must top the charts  
Gently drinking laced lemonade  
Jim Jones' team was just  
A bunch of thirsty tarts  
Charles Manson was a midget

Your hostage team is tired  
 Where are the paratroops  
 Drop your best shots  
 Down from the sky  
 Little David stands here  
 With wives and kids  
 All mandated to die  
 I am that I am  
 Me the angry almighty  
 Hurling headlong  
 From heaven  
 Oh yes some kids  
 Will be killed  
 In the flames  
 Blood red hearts glare  
 Tiny lungs burst  
 For the lack of fresh air  
 Let's get it on  
 ATF FBI NRA  
 We are one  
 All worshippers of the  
 Almighty gun  
 ATF FBI NRA  
 I wish you well  
 I go to prepare  
 A place for us all  
 On the great rifle range  
 At the bottom of hell.

#### RURAL HEALTH CARE INITIATIVES OF 1993

**HON. JON KYL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. KYL. Mr. Speaker, I rise today to join a number of my colleagues from both sides of the aisle in introducing a series of legislative initiatives to improve the way our Nation's health care delivery system provides care to rural America.

Mr. Speaker, I would like to commend the two cochairmen of the bipartisan Rural Health Care Coalition, Mr. STENHOLM of Texas, and Mr. ROBERTS of Kansas for their leadership on this issue. The coalition has been extremely effective in addressing the health care needs particular to rural areas of our Nation.

Mr. Speaker, while we are waiting to see what the First Lady's Task Force on Health Care proposal will look like, I am interested in moving forward to meaningfully and sensibly reform our health care system in order to curb the rise in health care costs, and expand coverage to the uninsured. We must also preserve the high quality of care that is available, and preserve choice in our system. And, it is critical that in our efforts to improve our health care system, we do not forget the unique needs of States like Arizona. Comprehensive reform of our health system must not be so rigid as to ignore the diversity in our Nation's populations, and the special needs of rural Arizona and America.

Mr. Speaker, let me briefly outline just what the three pieces of legislation I have cosponsored would do.

The first bill, H.R. 1774, authored by Congressman GUNDERSON, would permanently authorize the Rural Health Outreach Grants Program. Outreach projects provide emergency medical services in rural communities, provide ambulatory health and mental health services, provide health services to seniors, and they have reduced infant mortality in rural communities.

In Arizona, several rural communities have formed coalitions under the program guidelines and have provided needed services to Arizonians. Let me cite a few examples:

The Casa Grande Regional Medical Center, together with the local health department and social services department, has created a comprehensive prenatal care program for pregnant women with a history of substance abuse.

In Nogales, the Mariposa Community Health Center, in conjunction with the area health education center and public and welfare agencies, has provided preventive health services, health education programs, and transportation services in the community with particular focus to underserved and unserved women, and coordinating physical and mental health services.

In Springerville, the White Mountain Communities Hospital, together with Northland Pioneer Community College, has helped coordinate a training program for emergency medical workers in parts of 10 rural counties. The program will improve access to essential emergency care in remote areas by training a nucleus of providers in small rural communities and may result in the only rural volunteer ambulance service with paramedics.

In Coconino County, the county health department has taken a lead in a cooperative effort to improve access to existing services to native Americans in northern Arizona through the use of outreach workers. The outreach workers help families and providers to make certain that families are receiving services for which they are eligible, as well as providing nutrition counseling, substance abuse treatment, and health education.

The second bill, H.R. 1772, was authored by Congressman BILL EMERSON of Missouri. This legislation would reauthorize the grant program for State Offices of Rural Health.

Arizona's State Rural Health Office is located in Tucson, AZ, and has been instrumental in developing a variety of rural health programs throughout the State. The office has focused on three major efforts: expanding and strengthening community health services in rural areas, conducting research, and coordinating educational resources and services throughout the State.

The Rural Health Office provides technical assistance to clinics, hospitals, and communities in addressing their rural health delivery needs. This includes identifying funding sources, creating new service delivery models, and conducting community needs assessments. The office also coordinates the mobile health clinic, which provides primary care to underserved areas of Pima County, and the Arizona Health Provider Resource Program, which helps recruit health providers to underserved areas.

Arizona's Rural Health Office provides policy relevant data collection and analysis, and is home to the Southwest Border Rural Health Research Center, which is a leading resource for information on the status of health care along the United States-Mexico border. Some of the areas of focus for research have been the influence of obstetric malpractice liability on access to services in the rural southwest, characteristics of rural hospital closures, and rural access to primary care. Last year, the Arizona Rural Health Office was designated a

World Health Organization Collaborating Center for Border and Rural Health Research and Development.

The Arizona Rural Health Office coordinates educational resources and services across the State, and provides general support services to the Arizona Health Education Centers. The centers provide recruitment and retention programs to place health care providers in rural and underserved urban areas. Examples of statewide educational programs include a Spanish language intensive workshop for health providers, a Hispanic mothers and babies conference, and a research technical writing workshop. The Arizona Rural Health Office has also implemented an interdisciplinary training program through which graduate students from five disciplines are trained to work as a team in rural areas.

The office continually provides support and technical assistance to Arizona communities to improve access to affordable high quality care, recruits and places physicians and other health providers in rural Arizona, and conducts critical research on the status of health care delivery in Arizona.

The third bill, H.R. 1773, is also being introduced by Congressman EMERSON. This bill reauthorizes the Rural Health Care Transition Grant Program through fiscal year 1997. The Rural Health Care Transition Grant Program was first established in 1987 to strengthen the ability of rural hospitals to provide high quality care to Americans living in rural areas.

In Arizona, this program has enabled a number of facilities to develop and implement innovative programs to meet the unique needs of their communities. Following are a few examples in Arizona:

In Ganado, the Sage Memorial Hospital is developing plans for a skilled nursing facility which will mean additional services for some 10,000 elderly Navajos. The hospital is also upgrading emergency services including proficiency upgrades of current personnel, and purchasing needed equipment.

In Safford, the Mount Graham Community Hospital is working to develop a hospital-based home health care, home infusion therapy, and hospice care program to meet the needs of the community, and specifically, the needs of the homebound elderly. There are no other home infusion therapy or hospice services available in the area.

In Payson, the Lewis R. Pyle Memorial Hospital is developing a cardiovascular and pulmonary rehabilitation program. This program will eliminate a 180-mile commute for residents who currently must travel to Phoenix three times per week for rehabilitation and therapy. Many elderly patients on fixed incomes are unable to complete these programs due to the logistics and travel costs. The program will also lead to an expansion of home health services, replacing inpatient services and facilitating earlier discharges and lower medical treatment costs.

In Benson, the Benson Hospital is establishing a comprehensive mammography screening program, and is developing a comprehensive breast cancer education program for women ages 35 and over in Cochise County.

In Douglas, the Southeast Arizona Medical Center is enhancing home and community based services for the elderly and the dis-



abled. The community is improving access to preventive care through the use of a mobile unit.

In Springerville, the White Mountain Communities Hospital is also attacking breast cancer head-on. By developing a strategy to educate women and raise awareness about the importance of good breast care, preparing an educational program for the outlying communities, and implementing mobile mammography services, the hospital in conjunction with three other facilities will be servicing communities spanning in excess of 4,500 square miles.

These are some of the ways in which these programs are having an impact in Arizona.

Mr. Speaker, the bills I have cosponsored do not by themselves solve all of the problems in our health system, and they are not the total answer to health care reform. But Mr. Speaker, they represent the fact that members of this body from States with rural areas from both sides of the aisle share a commitment to the unique needs of rural communities. As we undertake the reform of our Nation's health system, we must not ignore those needs.

I am pleased to support these programs that have already begun to greatly improve access to needed health care services in rural parts of Arizona.

#### SALUTE TO ANGEL LOPEZ

#### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GALLEGLY. Mr. Speaker, I rise today to honor Angel Lopez, an old friend and a pioneer in my hometown of Simi Valley, CA, as he retires after nearly 40 years of helping to build generations of young people while helping build and then operate the Sinaloa Golf Course.

Angel Lopez has seen our community grow from a valley of farms and ranches to the bustling city of today. And along the way, he has truly been a guardian angel to the generations of teenagers who thought they were just taking part-time jobs, but who also received invaluable lessons in the art of living.

Angel came to Simi Valley almost 60 years ago as a small boy. His father and many other relatives worked for the Robinson family, who farmed 600 acres in the west end of the valley. The Robinsons loved golf, and in the 1950's decided to convert a portion of their property into a golf course. Angel helped build the course—planting every tree and building the water hazards and sand traps.

When the family sold the course to the Rancho Simi Recreation and Park district in 1966, Angel went to work for them, and retires as the course supervisor. For the past 19 years, he also has been giving lessons, after playing under PGA professionals Ben Johnson and Joe Setherberry for 10 years.

I've known Angel for some 20 years now. I'm proud to consider him a friend, and pleased he will stay on in a part-time role.

Mr. Speaker, Angel Lopez will be honored this weekend with a retirement party, a golf tournament and a barbecue. I ask my col-

leagues to join me in honoring him as well, and in wishing him well upon his retirement.

#### H.R. 1032, THE DEPARTMENT OF VETERANS AFFAIRS EMPLOYMENT DISCRIMINATION ACT

#### HON. RICK SANTORUM

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. SANTORUM. Mr. Speaker, I rise in strong support of H.R. 1032, the Department of Veterans Affairs Employment Discrimination Act. This important measure will establish an office of employment discrimination complaints resolution within the Department of Veterans Affairs [VA] to resolve cases of employment discrimination at VA facilities.

The VA Office of the Inspector General [IG] reported recently that as many as 25 percent of all VA employees may be reluctant to file equal employment opportunity [EEO] claims for fear of reprisals. To restore the confidence of VA employees and to ensure an effective and responsive EEO Program, the IG recommended improvements in the way complaints are handled within the VA. Many of these recommendations have been incorporated into H.R. 1032. I share the view of the Committee on Veterans' Affairs that employees of the VA are entitled to an EEO review process free of potential bias and conflict of interest, and I commend the distinguished chairman and ranking Republican member of the committee for their work on this bill.

While many Federal agencies have centralized responsibility for handling EEO complaints, the VA has delegated EEO resolution activities to managers of field facilities or their designated employees. Unfortunately, this system promotes a situation where managerial politics may lead to bias. Further, as the committee reported, it also creates the perception that the foxes are guarding the henhouse and may discourage the filing of legitimate EEO claims.

A facility in my district provides an unfortunate example of the severe problems that VA employees have experienced in filing EEO complaints. According to documented cases that my office is actively working to resolve, employees at the VA Highland Drive Medical Center have been subjected to racial and sexual harassment. Complaints filed with the facility's EEO officer have not been reviewed promptly, and it has been charged that many of these cases have been intentionally prolonged by the intervention of the director of the VA Highland Drive Medical Center. Worse, complainants have often been subjected to various forms of intimidation by superiors and pressured to drop claims or leave their jobs.

In a particularly disturbing case, two women who had been sexually harassed filed a complaint with the EEO officer against their supervisors and the facility's director. The investigation of this complaint has continued for several years. The women have been repeatedly threatened with reprisal, including derogatory pictures and notes found at their work stations, damage done to their cars, and verbal harassment. In addition, their immediate su-

pervisors and the facility's director responded to the allegations of sexual harassment by accusing the women, both pharmacists at Highland Drive, of violating VA prescription drug procedures and of violations of the Hatch Act. These charges have been fully investigated and found to be unsubstantiated, but the damage has been done. As a result of this ongoing harassment, one of the women has left her job at the VA and the other remains subject to hostile working conditions.

As the case of the Highland Drive Medical Center plainly shows, this system has failed and urgently needs to be overhauled. Decisions on EEO cases must be taken back from the field offices and centralized to ensure objectivity. VA employees deserve to know that their complaints will be handled promptly and responsibly.

That is why I support H.R. 1032 and urge my colleagues to join me by enacting this measure into law so that we can restore the essential employment rights of VA employees.

#### INTRODUCTION OF THE FRESH CUT FLOWERS AND FRESH CUT GREENS PROMOTION AND INFORMATION ACT OF 1993

#### HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. LEWIS of Florida. Mr. Speaker, I am pleased to introduce the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993 along with the gentleman from Texas, Mr. STENHOLM and 12 of our colleagues including the distinguished chairman of the House Agriculture Committee, Mr. DE LA GARZA.

From the corner gift shop to the local grocer, flower sales represent an important economic component to many businesses nationwide. The economic significance of the cut flower industry is illustrated by the 1992 wholesale value of cut flowers and cut greens which reached \$2 billion according to the best available industry estimates.

Unfortunately, market share for cut flowers has declined in previous years and the per capita consumption of cut flowers in the United States has never approached the level of consumption in many European nations.

The floral marketing industry is mainly comprised of small- to medium-sized businesses not large enough to mount an effective advertising and promotion program. To that end, I have introduced this legislation, commonly known as the PromoFlor Program, to authorize the establishment of a national research and promotion order to strengthen and expand the cut flower and cut greens industry position in the marketplace.

The program operates at no cost to the Federal Government and is financed through an assessment on handlers of cut flowers and greens with \$750,000 or more in annual sales of fresh cut flowers and greens. A qualified handler is a person, including a cooperative, that sells domestic or imported cut flowers or cut greens to retailers and exempt handlers. The program covers both domestically grown and imported cut flowers and greens.

Individual handlers with less than \$750,000 in annual sales are not assessed. The assessment only takes place at the wholesale or handler level due to the fact that a large percentage of cut flowers and greens are imported. Further, only retailers who also act as the importer of record with \$750,000 in annual sales of cut flowers and greens are assessed.

I would like to point out that this legislation has impressive support from the entire spectrum of the floral industry including producers, wholesalers, wire services, importers, and retailers.

Industry organizations supporting the legislation include the American Floral Marketing Council, American Floral Services, Inc., American Institute of Floral Designers, Association of Floral Importers of Florida, California Cut Flower Commission, California State Floral Association, Colombia Flower Council, Colorado Greenhouse Growers Association, Florafax International, Floral Marketing Association, Florida Fern Growers Association, Florists' Transworld Delivery Association, Flower Council of Holland, Hawaii Tropical Flower Council, Illinois State Florists' Association, Michigan Floral Association, Missouri State Florists' Association, Nebraska Florists Society, North Central Florists Association, Northern California Flower Growers and Shippers Association, Pennsylvania Florist Association, Pennsylvania Flower Growers, Redbook Florist Services, Roses Inc., Santa Barbara County Flower and Nursery Growers Association, Society of American Florists, State Florists' Association of Indiana, Teleflora, Texas Floral Endowment, Texas State Florists' Association, West Texas New Mexico Florist Association, Inc., Wholesale Florists and Floral Suppliers of America and Wholesale Florists of Colorado.

In addition, it is worthwhile to note that the accounting firm of Ernst & Young conducted an independent survey reporting a 78 percent approval rating for PromoFlor from handlers who would be assessed under the program.

Mr. Speaker, I am pleased to introduce the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993.

TRIBUTE TO STATE SENATOR  
WILLIAM S. WALL

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. MEEHAN. Mr. Speaker, today, thousands of residents of Lawrence, MA, are paying final tribute to a man who dedicated his life to his constituents—State Senator William S. Wall. For 50 years, Senator Wall worked tirelessly for others, beginning in the State attorney general's office and continuing as a State representative, a State senator, and finally as a Lawrence city counselor, where he topped the ticket in every election. During this time he was available 24 hours a day to those he served. No problem was too big or too small for him to handle. No issue was too complicated or too simple for him to address. Every citizen who ever came to him would receive his undivided attention.

For me, as well as other elected officials in the area, he was always willing to advise, cri-

tique, and act as a liaison with the many diverse groups in the city. He called me or a member of my staff two or three times a week to make us aware of local issues.

His special dedication to the elderly, the veterans, and the children of his community have made him a legend in the city of Lawrence and the State of Massachusetts.

Senator Wall never forgot where he came from, and as a result, he always treated those who had less than him with the utmost dignity. He understood his community's needs better than anyone because he completely understood what the average person was facing on a daily basis. There are hundreds of examples of the unselfish deeds he performed—from helping a young person find a job to getting an elderly resident into a nursing home.

I join my friends in Lawrence today in their sorrow for the loss of a great leader. I also share their pride and their love for a man who epitomized what public service is all about. The city of Lawrence will never be the same without Billy Wall.

BRAC COMMISSION MEETS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. CALVERT. Mr. Speaker, yesterday, April 27, the Base Realignment and Closure Commission met in San Diego to hear testimony concerning Secretary Aspin's recommendations to close or realign several bases in southern California, including El Toro Marine Base, March Air Force Base, Twentynine Palms, and the Naval Training Center at San Diego. Because this was the only occasion on which the commissioners would hold public hearings in southern California regarding the Secretary's recommendations on these bases, I felt compelled to be in San Diego to lead a group of March AFB supporters in making our case as to why it should be kept open as an active base. For this reason, I was unable to attend yesterday's session of Congress.

Although the BRAC Commission does not have a history of reversing very many of the military's recommendations, citizens of Riverside County can be assured that the March Air Force Base Support Group left no stone unturned in preparing for yesterday's presentation. After conversations with several current and former members of the Base Realignment and Closure Commission, it became clear to me that our most powerful argument for leaving March open was simple and straightforward—it can perform its mission better and cheaper as a full-time active base.

Given the fact that we had but a few weeks to examine the voluminous report compiled by the Air Force over the period of more than a year, it was not easy to discover evidence which disputed the claim that it will save money to restructure March into a reserve base. However, we believe we were successful in pointing out several inconsistencies in the Air Force report, and in making a very strong argument that it would be more cost efficient—and militarily more effective—to leave March on active status.

The fact is that March Air Force Base is the only remaining facility of its kind in southern California, and it has proven its value time and time again for the rapid deployment of forces which is necessary to meet the challenges facing us in the world today. March aircraft and crews provided invaluable refueling support during the liberation of Panama. March played a major role in Operations Desert Shield and Desert Storm. And, most recently, March was a key point of embarkation for Operation Restore Hope in Somalia.

In addition to having excellent facilities—including a brand new state-of-the-art hydrant refueling system—March also has other advantages, including an excellent location. It is the logical departure point to the Pacific rim, and it is the closest west coast Air Force base to Latin America. Also, it is the only Air Force base in close proximity to the Marine facilities at Camp Pendleton and Twentynine Palms.

The public hearing in San Diego was important, and I believe we made an exceptionally strong presentation. However, the hearing is just a small portion of the overall decisionmaking process. Until the final results are announced at the end of June, we will continue to work with the BRAC staff in an effort to convince them that March Air Force Base is good for the country's security interests and is a good deal for the taxpayers.

IN MEMORY OF JANET  
MACEACHERN

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. BILBRAY. Mr. Speaker, I rise today in honor of a long-time political activist, aide, and asset in the State of Nevada. I stand representing my colleagues in the Senate, Senator REID and Senator BRYAN, to honor the memory of the late Janet MacEachern and her lifetime of work and commitment to the Silver State.

A native of West Allis, WI, Janet began her life in the political world as an 8-year-old activist helping her suffragette mother campaign for women's issues. These beginnings would later bring Janet to spend three full decades of her life involved in making southern Nevada a better place for people to live.

Early in her life, Janet was an accomplished track and field athlete. She went on to graduate from the University of Wisconsin at Madison and began her career as a teacher. She married G. Angus MacEachern in 1938 and traveled the Nation with him during his 33-year military career.

In 1964, retirement brought the MacEacherns to Boulder City, NV, and the shores of Lake Mead. It was there that Janet truly found her way into the heart of the southern Nevada community. She immediately began the work she loved in the local political scene, always seeming concerned for the little man and never afraid to take on a tough issue. Of her, friends would say, "She had an opinion on everything, and it was usually right." Locals eventually came to call her "Mrs. Boulder City."



Janet served on many boards and commissions, including the Regional Transportation Commission, the Clark County Flood Control District, and the State Mental Health Board. Janet may be the first and last Boulder City volunteer to be given an office and a secretary in city hall. Her familiar face at the State legislature in Carson City once earned her the "Curmudgeon Award" from the office of the Governor.

These memories of Janet will be ours forever, as will the many good deeds she accomplished for our State. So I stand today with the well wishes of my colleagues in the Senate, and ask that this auspicious body honor and recognize a lifetime of achievement by Janet MacEachern.

#### INTRODUCTION OF LEGISLATION TO EXPAND HOME OWNERSHIP OPPORTUNITIES

**HON. JOSÉ E. SERRANO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1993*

Mr. SERRANO. Mr. Speaker, today, along with Mr. BLACKWELL, Mr. CONYERS, Mr. FRANK of Massachusetts, Mrs. LOWEY, Mr. RANGEL, and Mr. SCHUMER, I introduced a bill that will expand homeownership opportunities for low-income buyers in areas across the country that most need new affordable housing, through a proven, successful program, tax-exempt mortgage revenue bonds. My bill would permit the issuance of mortgage revenue bonds to finance the sale of newly constructed two-family homes in targeted areas of chronic economic distress.

Under current law, mortgage revenue bond proceeds may be used to finance new single-family homes, but not new two-family homes. In many densely populated urban areas, including New York City, the costs of land and construction make two-family projects much more economically feasible for developers than single-family homes. Two-family homes simply cost less to build. In addition, each homebuilder can provide an affordable rental unit, a scarce commodity in the South Bronx and many other areas of the country.

In my congressional district, there are several projects underway to build two-family homes. I believe that low-income people who wish to buy these homes should be able to get financing through the mortgage revenue bond program.

My bill would simply amend the Internal Revenue Code of 1986 by lifting the requirement that a two-family residence be occupied at least 5 years before a mortgage is executed subject to the mortgage revenue bond program, when the two-family residence is in a targeted area as currently defined in the code, in a State economic development zone, or in any area designated as a Federal enterprise zone.

We need desperately to expand homeownership opportunities for low-income working people in economically distressed areas of this country. Homeownership opportunities are an indispensable link in the housing ladder. New home buyers free up affordable rental units for

those who are ready to leave public housing, who in turn make public housing units available for the thousands upon thousands of families and individuals living doubled up in public housing projects, or without shelter at all. Expanded homeownership opportunity will keep and attract working people who contribute to the economic development of distressed communities. Making it easier for people to own their homes will help to stabilize distressed areas.

The mortgage revenue bond program has proven to be an extremely effective mechanism for the promotion of low- and moderate-income homeownership in New York and throughout the country. Expanding the program in this way would make it even more effective in the areas of greatest housing need, without costing the Federal Treasury a penny in tax revenues.

**HEATH A. HAWK HONORED**

**HON. PAUL E. GILLMOR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1993*

Mr. GILLMOR. Mr. Speaker, I would like to take this opportunity to recognize an exceptional young man from my district who has recently accepted his appointment as a member of the class of 1997 at the U.S. Military Academy.

Heath A. Hawk will soon graduate Paulding High School after 4 years of outstanding academic achievement as well as extracurricular involvement. During his high school career, Heath has distinguished himself as one of the premier student-athletes in Ohio, participating in varsity football, varsity wrestling, varsity tennis, the science olympiad, and the scholastic bowl.

Mr. Speaker, one of the most important responsibilities of Members of Congress is to identify outstanding young men and women and to nominate them for admission to the U.S. service academies. While at the academy, they will be the beneficiaries of one of the finest educations available, so that in the future, they might be entrusted with the very security of our Nation.

I am confident that Heath Hawk has both the ability and the desire to meet this challenge. I ask my colleagues to join me in congratulating him for his accomplishments to date and to wish him the best of luck as he takes his place in the Long Grey Line and begins his career in service to our country.

#### PROTECTING FAIR TREATMENT FOR FEDERAL EMPLOYEES IN SEXUAL HARASSMENT AND WHISTLEBLOWER CASES

**HON. GEORGE W. GEKAS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 28, 1993*

Mr. GEKAS. Mr. Speaker, today, Mr. KANJORSKI and I introduced the Merit Systems Protection Board Administrative Judges Pro-

tection Act of 1993. This bill would give administrative judges at the Merit Systems Protection Board [MSPB] the same statutory status and protections as Administrative Law Judges [ALJ's]. The bill would make MSPB administrative judges, who review employment decisions of Federal agencies for approximately 2 million Federal employees, administrative law judges. Two-thirds of the full-time Federal civilian work force depend upon the fairness and integrity of employment-related decisions rendered by 62 administrative judges at the Board.

One of the most widespread employment-related problems in the Federal workplace, as documented by the MSPB upon the request of the Congress, is sexual harassment. The MSPB, in response to the Congress, conducted two studies of sexual harassment in 1980 and 1987. In 1987, the MSPB sent out questionnaires to 13,000 Federal employees and received 8,523 responses. In 1987, 42 percent of all women and 14 percent of all men reported they experienced some form of uninvited and unwelcome sexual attention. The total cost to the Federal Government for this non-job-related behavior is estimated at \$267.3 million during the survey period of May 1985 to May 1987. These costs are based on job turnover, sick leave used, lost individual productivity and lost group productivity due to sexual harassment.

MSPB administrative judges are responsible for hearing and deciding direct appeals from Federal employees who allege that an adverse personnel action was taken against them because of their whistleblower activities. In 1989, when the Whistleblower Protection Act was enacted, the Senate report stated that Federal employees may appeal to the MSPB and that the first review is to be by an administrative law judge and then the Board. However, administrative judges hearing these cases at the Board are not ALJ's, as the act contemplated, nor do they have the protections of ALJ's under the law to ensure the impartiality and independence of their decisions. This bill will provide this contemplated and long-awaited status as ALJ's to the administrative judges at MSPB.

MSPB administrative judges hear sensitive personnel cases on sexual harassment and whistleblower protections involving high-placed agency officials. In fact, the House just recently authorized the MSPB to hear appeals on misconduct cases from the Senior Executive Service. Federal employees relying upon the integrity and independence of the decisions for the MSPB administrative judges are not aware that the hearing and decisionmaking functions of these judges are subject to removal, suspension, and performance appraisal by their agency. Currently, MSPB's performance appraisal determines whether these judges receive cash awards for their work. MSPB conducts both pre-issuance and post-issuance quality reviews of decisions issued by MSPB administrative judges. No facet of a decision is immune from review. Reviewers may include headquarters personnel who perform no hearing or decisionmaking functions. The results of these reviews may influence a judge's overall performance rating and pay.

Most Federal employees believe that they are entitled to a fair hearing before losing one

of their most precious possessions, their livelihood. Unfortunately, Federal employees have less protection than we currently grant an individual applying for Social Security benefits: the right to a hearing before an administrative law judge, who cannot be intimidated or influenced because of the statutory protections guarding an ALJ's decisional independence. Federal employees are not aware that their case before the MSPB will be subject to quality review.

I believe that Federal employees should have the same protections in hearings before the MSPB on critical personnel decisions that may in fact ruin an individual's career. For these reasons, I have introduced a bill to give MSPB administrative judges the same classification status and protections as ALJ's in regard to: removal and suspensions only for good cause, rotation of case assignments to ensure impartiality on the part of the decision-maker, and no performance appraisal on their adjudication functions. These protections will guard the integrity of the Merit Systems Protection Board in reviewing Federal employment practices and keep them free from political influence. I think this is important to the civil service system, and it is not a difficult task to undertake, since extending these provisions would be budget neutral, according to CBO standards.

I urge my colleagues to join me in providing these safeguards to the process of reviewing important employment decisions in the Federal Government.

#### THE 10TH ANNIVERSARY OF PHIL BURTON'S DEATH

#### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Ms. PELOSI. Mr. Speaker, as California and the Nation note the 10th anniversary of the passing of Phil Burton, a man who faithfully served San Francisco and the country as a Member of Congress, it is a privilege to bring to the attention of Congress a poem written by California's poet laureate, Gus Garrigus, in tribute to Phil and his enduring legacy.

With great insight, Gus has written "In Memoriam: Phillip Burton," which describes the wisdom spoken by Nature. It was Phil's extraordinary gift to be receptive and wise enough to hear what vital, beautiful—and crucial—message Nature has for all of us. Phil Burton had the commitment, talent, and persistence to build the coalitions needed to make sure that Nature's voice would endure for all time.

As Gus, a colleague of Phil's in the California Assembly, so poignantly and rightly notes, no plaque could encompass the importance and endurance of Phil's work—it is up to the redwoods, the eagles, the rivers, and the wildflowers forever to bear that witness.

Today we planted a young giant sequoia on the Capitol grounds as a tribute to Phil's lasting contribution to our world. As the tree grows, so will the memory of Phillip Burton.

IN MEMORIAM: PHILLIP BURTON

(By Gus Garrigus)

This is the requiem of the Giant Redwoods,

Sky-crowned monarchs binding heaven to Earth.

This is the tribute of the Queen Sierra's, Snow-crowned grandeur serving beauty's worth.

When valley mists roll down the woodland floors,

And Eagles scream and soar past crags and peaks.

And lakes, like diamonds, sparkle in the sun, Then we shall hear the wisdom nature speaks.

The rushing rivers and the bowered brooks, And all this wondrous wilderness enclave,

Shall witness to the cause that Burton served.

Shall speak the heritage he worked to save. No stone nor plaque can mark the way he went.

These National Lands shall be his monument.

#### NEW JERSEY GENERAL ASSEMBLY URGES INVESTIGATION OF OCCHIPINTI CASE

#### HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. ZIMMER. Mr. Speaker, I would like to enter into the RECORD New Jersey General Assembly Resolution 107. The resolution, which was adopted unanimously by the general assembly on February 18, 1993, memorializes the President and Congress to appoint a special or independent prosecutor to investigate the case of my constituent, Mr. Joseph Occhipinti of Manalapan, NJ.

NEW JERSEY GENERAL ASSEMBLY RESOLUTION 107

An assembly resolution memorializing the President and Congress of the United States to appoint a special prosecutor to investigate the Occhipinti case and to investigate Dominican crime operations.

Whereas, former Immigration and Naturalization Service agent Joseph Occhipinti, of Manalapan, New Jersey served his country for 22 years, daily placing his life in harm's way, and stands today as a most decorated Federal agent, with 78 awards and commendations; and

Whereas, there is voluminous evidence that in 1991 and 1992 Mr. Occhipinti may have been the target of a well-orchestrated conspiracy by Dominican drug dealers, leading to his prosecution on civil rights charges under 18 U.S.C.A. 241 and 242; and

Whereas, court transcripts may document that Mr. Occhipinti was denied a fair trial and his civil rights violated; and

Whereas, Mr. Occhipinti served seven months in federal prison, of his 37 month sentence, before President George Bush granted commutation, but because a full pardon was not granted there remains for Mr. Occhipinti the stigma of being known as a felon;

Whereas, Mr. Occhipinti is willing to undergo a new trial to clear his name; Now, therefore,

Be it resolved by the General Assembly of the State of New Jersey:

1. This House memorializes the President and Congress of the United States to appoint a special or independent prosecutor to investigate the case of Mr. Joseph Occhipinti, including an investigation of the alleged drug

cartel conspiracy against Mr. Joseph Occhipinti, and further, of the alleged Justice Department coverup in the handling and prosecution of the Occhipinti case. The President is memorialized further to grant, if the investigation warrants, a full pardon so Mr. Occhipinti can clear his name.

This House further memorializes the President and Congress of the United States to seek a Congressional investigation examining the extent of Dominican crime operations in the United States, especially in New Jersey.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and every member of Congress elected from this State.

#### INTRODUCTION OF THE GULF OF MEXICO ECONOMIC AND ENVIRONMENTAL PROTECTION ACT OF 1993

#### HON. GREG LAUGHLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. LAUGHLIN. Mr. Speaker, I thank you for the opportunity to introduce the Gulf of Mexico Economic and Environmental Protection Act of 1993.

I grew up along the Gulf of Mexico and I represent the 14th District of Texas, which occupies more land along the Gulf of Mexico than any other coastal congressional district or State combined.

I have long been committed to raising the priority of Gulf of Mexico issues. In fact, the Sunbelt Caucus' Gulf of Mexico Task Force, which I cochair with my colleague, Congressman SONNY CALLAHAN from Alabama, has been a leader for more than 4 years in raising awareness of issues in the Gulf of Mexico.

Congressman CALLAHAN and I have been working with the task force for more than a year on the comprehensive legislation we introduce today.

It is high time that the economic and environmental significance of the Gulf of Mexico be recognized. Unfortunately, the Gulf of Mexico has not been getting its fair share of Federal funds or attention.

The Gulf of Mexico is 7 times larger than the Great Lakes and almost 200 times larger than the Chesapeake Bay. Yet it receives 90 percent less funding than each of those bodies of water. This discrepancy in funding is incredible considering the extensive economic and environmental value of the Gulf of Mexico, a value not only to the one-sixth of the United States population which reside on the coast, but to the rest of the Nation as well.

Revenues from the Gulf of Mexico historically rank second only to the Federal income tax as a revenue source for the Federal Government. In addition, the Gulf of Mexico ports handle 45 percent of U.S. imports and exports.

The Gulf of Mexico also provides a critical habitat for 75 percent of the migratory waterfowl traversing the United States, and its



coastal wetlands comprise about half of the national total.

Surely, a body of water which is so rich in environmental and economic resources and whose activities have such a national impact should get more Federal attention than in the past.

This legislation will focus on improving water quality in the Gulf of Mexico, reducing coastal erosion, ameliorating the economic loss of fisheries in the gulf, as well as other related issues which arise. The bill will formally establish a Gulf of Mexico program which will coordinate the activities of all affected agencies and avoid wasteful overlapping efforts.

Our bill will establish a Gulf of Mexico Board which includes representatives from all the Federal agencies with jurisdiction in the Gulf of Mexico, State Governors or their appointees, the chairperson of the Citizens' Advisory Committee, and a coastal elected official from each State. Including the coastal elected officials is crucial because they have an in-depth knowledge of critical coastal issues.

Most importantly, our bill ensures the comprehensive evaluation of environmental and economic concerns affecting the Gulf of Mexico. This is why we are reintroducing this comprehensive bill, which attempts to address these critical issues in the Gulf of Mexico.

In closing, I would like to thank my colleague, SONNY CALLAHAN, and all the members of the Sunbelt Caucus' Gulf of Mexico Task Force who have worked so hard in developing this legislation.

#### NOT ALL SENIOR CITIZENS ARE WEALTHY RETIREES

**HON. PETER A. DEFazio**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. DEFazio. Mr. Speaker, contrary to popular stereotypes, not all senior citizens today are wealthy retirees. Many do not own luxurious homes or have access to a steady stream of disposable income. Many don't even own a home.

The fact is, large segments of the senior population are still living at or near the poverty line. And a larger number are fast approaching that status under the crushing weight of skyrocketing health care costs and consumer inflation. A General Accounting Office report on the Current State of America's Elderly Poor confirms that nearly 20 percent of our Nation's elderly were poor or near poor in 1990.

Social Security and Medicare are still the best insurance policies against illness, hunger, and poverty for seniors. But the programs fall short in far too many areas. Medicare is painfully absent when it comes to long-term care and prescription drugs. And Social Security has not fulfilled its promises since the system ran into financial trouble during the 1970's.

That's why I'm fighting to correct the Social Security notch. When Congress reformed Social Security in 1977 to assure trust fund solvency through the mid-21st century, some 12 million workers near retirement age wound up with benefit checks smaller than those paid to their counterparts born a few years earlier or

later. "Notch Babies," many of whom served in WWII, paid into Social Security their working lives. Yet many found themselves cheated by this congressional reform.

According to 1991 Social Security Administration [SSA] estimates, the average-earning, 65-year-old retiree born between 1917 and 1926 will receive an average of \$916 a year less in Social Security benefits than the same average worker born between 1912 and 1916—and \$480 a year less than the same worker born from 1927 to 1931.

That may seem like small potatoes to some of my colleagues on Capitol Hill, but it's a lot of money to my constituents in Oregon. The legislation I'm introducing today will go a long way toward correcting that mistake by replacing some of the benefits previously denied to these Americans. The bill is identical to the one sponsored by former Representative Edward Roybal in the 102d Congress, which garnered the cosponsorship of 288 Members of the House last year—nearly a two-thirds majority.

Restoring some of these benefits won't jeopardize Social Security's trust funds in any way. Few people realize the trust funds are accumulating a large and growing annual surplus. The SSA estimates that reserves will grow to nearly \$8 trillion by 2015. The trust funds have accumulated far more revenue than originally intended when Congress cut benefits and boosted taxes in 1977 and 1982 reforms.

In addition, a small reduction in this growing surplus to rectify the notch issue will not increase the deficit. That's because trust funds are no longer included in the Federal budget when calculating the deficit. But some members of the administration and the Congress seem to forget that point.

I realize some of my colleagues are a little uneasy about spending surplus trust fund revenues; but ignoring the plight of these forgotten Americans is simply unconscionable. Please join me in sponsoring this legislation to put an end to this injustice once and for all.

#### THE 50TH ANNIVERSARY OF THE WARSAW GHETTO UPRISING: SPEECH OF VICE PRESIDENT AL GORE

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. LANTOS. Mr. Speaker, just a few days ago we commemorated the 50th anniversary of the Warsaw ghetto uprising. It was my honor to serve as chairman of the Presidential delegation which was appointed by President Bill Clinton to attend that most solemn observance in Warsaw.

We turned our thoughts back half a century to the darkest, unspeakable days of World War II, a time when the whole horror of the Nazi extermination machine was in full operation, a time when the United States and our allies were just beginning to turn the tide against the monster of fascism, and a time when, against all odds, the suppressed, starving Jews of the Warsaw ghetto put their lives

on the line and rose up against their Nazi masters.

The commemoration in Poland was a sober and hallowed occasion. It was an opportunity to remember and to honor a brilliant moment when men and women rose against their oppressors and fought against tyranny and oppression.

Mr. Speaker, our Vice President, AL GORE, was the President's personal representative at the 50th anniversary of the Warsaw ghetto uprising last week. His remarks commemorating that occasion are most thoughtful and reflective. Mr. Speaker, I ask that the Vice President's statement be placed in the CONGRESSIONAL RECORD, and I urge my colleagues in the Congress to ponder these remarks.

#### STATEMENT OF VICE PRESIDENT AL GORE AT THE 50TH ANNIVERSARY OF THE WARSAW GHETTO UPRISING

Today we must try to speak of the unspeakable.

A half century has passed since the April morning in 1943 when the Nazi occupiers of Warsaw sent troops to liquidate the Jewish Ghetto.

For three years, a half million Jews had been shut into the Ghetto, locked away from the rest of the city and the world by a high, thick wall of a sort that tyrants seem compelled to build. Periodically, Nazi troops raided the Ghetto and herded away hundreds of Jews at a time. They loaded them onto windowless boxcars to be hauled off to the extermination camps and the gas chambers.

On these visitations, the Nazis concentrated their lethal attention first of all on the old, the infirm, on women and children. These innocents were targets for immediate elimination because they could not be pressed into slave labor to service the German war machine.

The Nazis took advantage of the orderly habits and expectations of civilized society. They carried out mass deportations and exterminations of multitudes; but the rest of the world and at first even the Jews themselves could not believe that such a systematic and methodical horror could be sponsored by a government and carried out by a vast bureaucracy. Not even the victims were prepared for such a singular evil. Indeed, even now the secular liberal imagination rebels at grasping that states and peoples are capable of sin.

But in January 1943, the Jews in the Warsaw Ghetto began fighting back. And by Spring, in a fury of outrage, hatred, and fear, the Nazis resolved to destroy the Ghetto once and for all. By that time about 350,000 Polish Jews had survived three years of wanton murder, three years of pestilence that breeds in crowded places without adequate sanitation, three years of starvation that made even young men and women collapse in the streets and die.

Then on April 19 when the Polish countryside was greening with Spring and the fields were moist with renewing life, the Nazis chose the first night of Passover to storm into the Ghetto on a mission of death. They were so confident of a quick and easy victory that they were singing the marching songs of the Third Reich.

But they were met by a fusillade of gunfire that sent them fleeing in panic to the other side of the wall. The uprising in the Jewish Ghetto—one of the shining moments in the history of human dignity—had begun. While the Nazi flag flew over conquered Europe from Russia to the Pyrenees, from Norway to Greece, while the Gestapo and the SS ter-

rorized trembling nations, the Jews of Warsaw fought back. Although there were many courageous rebellions by Jews, including by those who burned Treblinka, the Warsaw uprising was the first great civilian revolt against Nazi barbarism.

From the beginning the odds looked desperate to the freedom fighters. The Polish Jews stood alone. The German army regrouped and attacked with tanks, with armored cars, with flamethrowers, with heavy artillery, and with unlimited ammunition. The Jews fought back with a few light machineguns smuggled into the Ghetto through the sewer system. They had revolvers, antiquated rifles, a few hand grenades and thousands of home-made Molotov cocktails. During the fighting Jewish bastions frequently ran out of ammunition. Many rushed into battle hoping to pick up the guns and ammunition of slain or fleeing Germans.

But the Jews of the Ghetto had another weapon—the fierce, dauntless courage of a righteous cause, the matchless power of the human yearning for dignity. That power can rouse the most peaceful and inoffensive communities to say at last, "Enough." We will not take any more."

Again and again the Germans attacked. Again and again they were forced to retreat. Then, pulling back their legions, they sent the bombers of the Luftwaffe thundering over the Ghetto to pound it into submission. On April 25 General Juergen Stroop, the German Kommandant sent this communique to his anxious superiors in Berlin: "If last night one could observe over the former Ghetto only the reflections of fires, this evening one can see a gigantic sea of flames.

Still the Jews did not surrender. In the weeks that followed, Stroop's army attacked the Ghetto house by house with howitzers and flame-throwers. When women and children tried to escape the flames, German machine gunners shot them down. And still, the Jews fought on, amazing Stroop and his minions. They charged the German guns and died, some singing, others chanting Hebrew Psalms.

Despite Nazi censorship, news of the unfolding drama spread across the world. From London, General Wladyslaw Sikorski, commander in chief of the Polish armed forces in exile, called on his people by radio, "The greatest crime in the history of mankind is being committed," he said in a speech broadcast to his homeland on May 5. "I beg you to \*\*\* combat the terrible atrocities which the Germans are committing against the Jews."

Finally, late in May, the overwhelming might of the Wehrmacht prevailed. The Nazis torched the entire Ghetto. Some chose the fire over surrender. Those who survived were condemned by the Nazis to extermination. The German ministry of propaganda sent photographers to record the long files of men, women, and children marched out to waiting boxcars at gunpoint under the merciless gaze of heavily armed German soldiers. The "triumph" over the Jews, decreed the Propaganda Ministry, was to be preserved "for all history."

And so it was. So it has been.

But in the long testing and trial of time, the leering Nazis are branded in memory with an indelible infamy and shame. The defeated Jews march in our hearts in an everlasting procession of honor. Their valor marks our remembrance of the darkness like a shooting star across a black sky, startling us with the evidence of something in the human spirit which will not yield to even the darkest and most overpowering certainties.

Fortunately, many of those who suffered, managed to preserve their witness for poster-

ity. Vladka Meed's "On Both Sides of the Wall," is a stirring example. And thousands recorded what happened before they died so that we could remember. One of them wrote: "This journal is my life \* \* \* Darkness covers the murderers' abominations."

A merchant and aspiring writer, Zalmen Gradowski, who fell in a revolt at Auschwitz he spearheaded, confidently buried four manuscript accounts of life in death, on each of which he had matter-of-factly inscribed the words, "take heed of this document, for it contains valuable material for the historian."

And a writer who perished in the Warsaw Ghetto uprising wrote, Whoever desired still to live should not search for life here among us. We are at the end."

Tomorrow, I will be in Warsaw to remember their courage. Yesterday, I was in Washington and with my wife Tipper, privately visited the United States Holocaust Memorial Museum. I will be there again on Thursday when President Clinton will speak at its dedication. Of course, those of you who are survivors know what those of us who are not can only imagine: the burden of memory and the memory of loss. The bodily wounds and the wounds of the spirit and of the mind. But Tipper and I were overwhelmed by the power of the story this new museum tells in words and pictures.

The pictures. No one with human feeling can contemplate these photographs without a welling up of pity and rage. I am always arrested by the image of one frightened little boy. He wears a coat that reaches to his bare knees over his short pants. On his head is a wool cap as if some mother had dressed him to ward off the morning chill on his walk to school.

Yet here he is, trudging at the head of a weary column of doomed humanity, his hands lifted in the air in a gesture of harmlessness. Nearby a German soldier looks on, holding an automatic rifle in his hand, a scornful smile on his face.

The child is not on his way to school. He is going to his death.

I do not know his name or who his parents were, or the games he played or the songs he sang. We do not know what confused thoughts stirred through his uncomprehending mind as he stared at a uniformed man taking his picture. And we can never know what he would have been, had he lived. His ashes are scattered somewhere in an anonymous pit. His face and those uplifted little hands haunt us forever.

Before that image, words fail. We are reduced to silence—a silence filled with the infinite pool of feeling that has created all the words for humility, heartbreak, helplessness, and hope in all the languages of the world.

How could the human race have allowed such a calamity as the Holocaust to fall upon us? There were 400 Jewish Ghettos created in Europe by the Nazis. But numbers, of course, seem so pitifully incapable of conveying the meaning of an episode that stands outside the borders of all customary moral judgment.

Six million Jews were murdered: mothers and fathers, sisters and brothers, cousins, friends, one and a half million children, three out of every four Jews in a swath of Europe from the Atlantic Ocean to the furthest line of German advance on the Eastern Front. Three million Jews in Poland perished, one million Jews in the western Soviet Union, 106,000 in Holland, 135,000 in Lithuania, 217,000 in Czechoslovakia. Only in Denmark were both the numbers and the proportions small. Seventeen thousand Jewish

women died on a death march from Ravensbruck. Ninety-five thousand Jews were executed in the Barancwice region in six months, 35,000 at Babi Yar in two days. At Maidanek eighteen thousand Jewish prisoners were slaughtered in one day. The SS called this day a "harvest festival." Of the fifty thousand Jews in Salonica at the beginning of the war barely one thousand were alive in 1945. Of the nearly four hundred thousand Jews deported to Belzec just six survived.

What terrible darkness lies coiled in the human soul that might account for this venomous onslaught in the middle of a century that was hailed at its birth as a "century of progress"?

What did the promise of modern times mean to that young child with the wool hat and to those masses tramping out of the Ghetto under skies blackened by smoke, a wasted landscape transformed, as the Nazi conqueror boasted, into a cemetery? The sorrow rising from such questions is deeper than all tragedy and leaves us mute before a mystery the human mind cannot penetrate.

And yet the uprising of the Warsaw Ghetto shines in our consciousness like a pole star of the human spirit.

When the Jews first took up arms, some of them raised the red and white flag of Poland over the Ghetto that had been their prison and that now became their fortress. General Stroop reported that Jewish fighters plunged with reckless valor to their deaths, taking as many Nazis with them as they could.

They were Jews claiming an ancient heritage. They were also Poles, many of them claiming a nation they loved and served to the end. They were members of the human race claiming honor and dignity in the face of desolation, despair, depravity, and death.

Their sacrifice is now fifty years in the past. The springtimes of five decades have blown away the stench of fire and death, and the generation that suffered the war and endured the Holocaust is passing away. We cannot inscribe on a monument the names of all the Jewish dead, for we do not know them. Many are known only to God.

Yet as Elie Wiesel has said:

"To forget the Victims and the killers would mean to betray one and to grant a victory to the other."

"Let us Remember. Let us Remember again and again. For at the end that is all they wanted—to be remembered. Their names, their faces, their silent songs, their secret triumphs, their struggle and their death, one as awesome as the other."

The story of the Warsaw Ghetto is sacred text for our time. It warns us of the unfathomable power of evil, the pestilence of the human soul that for a time can dissolve nations and devastate civilization.

But the uprising in the Ghetto also warns tyrants wherever they rule for a season that a fierce, bright light blazes eternal in the human breast, and that the darkness can never put it out.

Now we stand in another springtime. The icy winter of the cold war is over. In countries once conquered by the Nazis and afterwards plunged into the glacial age of Communism, the land is greening, and new life is reaching towards the sun.

In my home state of Tennessee, farmers know something about spring; it is the time to plow and to plant when the snow has melted and the ice is gone. And there is something about this spring we all must know: what we harvest in the future depends on what we sow now when the world has thawed, and a sweet, mild air of opportunity portends the growing season.



Like the year, history has its seasons. And like the poet who said April is the cruellest month, we feel anguish when memory is mixed with desire. If we are wise, we will choose the right lessons to learn in this season when the world is full of promise and pain.

One lesson of our century is that dictatorships—wherever they may be—are illegitimate. They thrive on terror. The tyrant fears the inevitable—that the people he oppresses will come to themselves, shout him down, destroy him, and trample his symbols underfoot.

It is the dictator's trick, as old as tyranny itself, to preach hatred to his people, to cast a spell over them, to incite them to fear of a mythical enemy. Out of the darker impulses of the human heart, the dictator shapes a kingdom of shadows. By relentless propaganda he makes those shadows seem to move and gives them the substance of nightmares. The people, reduced to childish dependence, are hypnotized into believing that the tyrant is their protector. Their fear of a imaginary enemy "out of there" is twisted into hatred of those loyal citizens who seem different—different because of their looks, their clothes, their habits, their speech, their way of worshipping God.

Dictators refuse to learn the bitter lessons of history. Fifty years after the uprising in the Warsaw Ghetto, petty tyrants around the world smother their people and seek to blind and confuse them with the clumsy lies of dictatorship. The greatest lie of all is to find someone different—a different religion, a different ethnic identity, a different skin color, a different language, a different heritage of any kind—and to decree that that person is the real enemy.

I recently saw the photograph of another child of Europe. He was ten years old. He lived in Sarejevo. He was killed by shellfire in the Serbian siege of the city. His body had been covered with a blanket. Only a thin leg with a sneaker on the foot protruded. The sneaker had a tag attached. A small boy's innocent life with all its promise had been reduced to a statistic recorded on a piece of paper. And this happened in our time, only weeks ago.

Must such horrors go on and on? They must not. Those who commit such crimes should know that judgment stands in the wings of history, awaiting its moment. And the moment always comes.

Let tyrants know that they inevitably fall. Their statues are toppled in the streets by a jubilant people, their names faded to oblivion by the incandescent sunlight of the human spirit. And let the people of every nation know NOW that to allow tyranny to take root in their land exacts a price. For a nation to fall into the narcotic spell of hatred that dictators cast on their societies is to bring down on both the guilty and the innocent the contempt of civilized society and its implacable vengeance.

Surely in this new springtime of human history we can plant hope and peace in Europe and the world. Today we celebrate the Jewish people and their great resurgence and flourishing after the horrors of Nazism. We celebrate the State of Israel, born from the fires of war and the Holocaust and tempered by its determination to survive and to achieve justice and peace with security. We celebrate the triumph of the human spirit that brings us here to honor the suffering and sacrifice offered by brave people on the altar of humanity.

It is one of those symbolic coincidences of history that the date of the uprising in the

Ghetto, April 19, is the anniversary of the shots exchanged in Lexington, Massachusetts, in 1775 between the British army and the American patriots. That skirmish began the American Revolution. The young soldier who fired the shot heard round the world, unlike the fighters of Warsaw, did not face certain death. Yet he was a citizen of a small, weak, colony preparing to resist the forces of a great empire.

A little more than a year later Thomas Jefferson put forth the radical proposition that all of us are created equal, that the mere fact of birth confers on us all, in every race, every religion, every language, every heritage, a right to enjoy life, liberty, and the pursuit of happiness and that governments derive their just powers from the consent of the governed.

We have been struggling for two hundred years to make Jefferson's dream come true. Our own troubled history in the United States shows us that our yearning for justice is not yet fulfilled, our dream not yet come true. But we keep walking towards a shining horizon—a society where people of every creed and color, every heritage and hope, can dwell together in peace by the river of life.

I would like to wish that ambition on all societies throughout the world. And I would like to say that the most stable and enduring societies are those that grant to all their people, in all their variety, the most freedom and the most dignity.

No words we speak can embrace the grandeur of the sacrifice of the martyrs we remember today. The heroes of the Warsaw Ghetto found freedom and dignity by choosing death with honor, by resisting even when resistance was hopeless. They thus sanctified life for those who live after them. Their heroism plucked up human nature itself from the dirt, where Nazism threatened to bury it, and lifted it high to catch the radiant sunlight.

Centuries ago, after another experience of sorrow and captivity, the Psalmist wrote:

"They that sow in tears shall reap in joy. He that goeth forth and weepeth, bearing precious seed, shall doubtless come again with rejoicing, bringing his sheaves with him."

The fighters in the Warsaw Ghetto sowed the seeds of courage, dignity, and justice, and we reap their harvest today. Their martyrdom is a demand that justice form the basis for relations between nations and peoples—justice in the neighborhood and justice in all the world.

The spirit of the men and women who fought in the uprising in the Jewish Ghetto can make a thousand springtimes flourish. We renew ourselves in their radiance at this sacred moment. We find in their noble example the inspiration to persevere and to prevail in the duties to which destiny has called us today.

We honor them now with reverent silence and promise to remember them and to love them as long as the world stands.

Our duty to them was written in the book of Deuteronomy:

"Only take heed to thy self, and keep thy soul diligently, lest thou forget the things which thine eyes have seen, and lest they depart from thy heart all the days of thy life: but teach them to thy children, and thy children's children."

IT'S A GIRL!

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. CAMP. Mr. Speaker, I rise today with great news from our former colleague Bill Schuette and his wife Cynthia Grebe Schuette who gave birth to their first child at 2:28 a.m. on April 27, 1993. They are now the proud parents of a healthy 7 pound, 6 ounce, baby girl. Her name is Heidi Cathrin Schuette. It is with great pleasure that I share with the House of Representatives their happiness during this special time in their lives.

TRIBUTE TO DR. EMMETT J. CONRAD

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. FROST. Mr. Speaker, it is with deepest regrets that I advise you and my colleagues in Congress of the death of Dr. Emmett J. Conrad, Dallas' first African-American school board member, and longtime leader in education, medicine and social justice causes. He died this past Saturday, April 24, 1993, at the age of 69. Dr. Conrad is survived by his wife, Eleanor Conrad of Dallas; daughter, Dr. Cecilia Conrad of New York City; sister, Portia Conrad LePage of Baton Rouge; brother, William P. Conrad of Baton Rouge; and a grandson.

Dr. Conrad was an extremely talented man whose commitment to excellence helped him break color barriers on a number of fronts. While in the Army at the beginning of World War II, he earned a military scholarship to complete his pre-med studies at Stanford University by achieving a genius IQ score on any Army test. After earning his medical degree at Meharry Medical College in Nashville, TN, and serving as a captain at an Illinois Air Force base, Dr. Conrad came to Dallas to join the St. Paul Medical Center staff in 1955. By 1981, he was named chief of staff to lead more than 700 doctors. He was the city's first black hospital staff surgeon and chief of staff. He would also become the first black president of the Greater Dallas Community of Churches.

Without taking away from his great achievements in medicine, Dr. Conrad will be most remembered for his concern and work for the community. I knew Dr. Conrad personally and I found him to be not only intelligent, but caring. He won an at-large election to sit on the Dallas school board in 1967. During his 10 years on the board, Dr. Conrad promoted free-lunch programs for poor students and the integration of administrative staffs.

However, his service on the city's school board was only the beginning of his commitment to the community. Dr. Conrad went on to serve on the Texas State Board of Education for 11 years. While on the state board, he helped shape Texas school reforms, including pre-kindergarten programs, no-pass, no-play

rules and teacher competency tests. In addition, he never moved his office from the African-American neighborhood where he started because he wanted services to be convenient for the clients who gave him his start.

Mr. Speaker, we have lost more than a notable medical professional in Dr. Emmett J. Conrad. We have lost a close friend who dedicated his life to his family, his community and education.

### IN HONOR OF TAKE OUR DAUGHTERS TO WORK DAY

**HON. VIC FAZIO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. FAZIO. Mr. Speaker, I rise today in strong support of Ms. Foundation's introduction of Take Our Daughters to Work Day.

As a father with grown daughters of my own, I know first hand the importance of instilling career aspirations for young women. Girls, as well as boys, must learn by example, the importance of work and the benefits of a career.

From all kinds of sources we are being told that girls do not receive the attention from teachers they deserve or the education they need to succeed in this world. We know that women today do not receive equitable paychecks to their male counterparts. No doubt these things must change.

But, in the meantime, it is up to parents to teach young people early on the benefits that come from a good education, and from hard work. Girls as well as boys should be taught that working hard and playing by the rules do pay off. Today, when American's daughters see their mothers' achievements in the work place, they will learn not only the great heights women have reached but the obstacles they have overcome in getting there as well.

Hopefully, girls and young women will aspire to even greater heights and seek to eliminate the obstacles of generations before them. Hopefully, they will recognize our world's everyday heroines and want to be just like them.

Today is a reminder that we must teach our young women they are an important part of this country's future, that their contribution is crucial to our success as a whole and that they can make a difference. With their aspirations and potential, we will all benefit.

I join my colleagues on both sides of the aisle in commending the Ms. Foundation on the inauguration of Take Our Daughters to Work Day.

### IN SUPPORT OF THE FORMER SOVIET UNION NUCLEAR THREAT REDUCTION ACT OF 1993

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. BERMAN. Mr. Speaker, I am pleased today to join my colleagues PETE STARK, LANE EVANS, and NORMAN DICKS, in cosponsoring

this important legislation to develop a program to reduce the nuclear threat from the former Soviet Union. This program offers nuclear safety assistance to four Soviet Republics—Russia, Ukraine, Belarus, and Kazakhstan—conditional upon meeting certain arms control commitments.

The last thing the world needs is the emergence of new nuclear weapon states. It is imperative, therefore, that these four Republics fulfill their obligations under the Lisbon Protocol to ratify the Start I Treaty, and, for the three non-Russian Republics to join the nuclear Non-Proliferation Treaty as nonnuclear weapon states.

This serious issue needs new initiatives to meet the realities ahead of us. This legislation aims to provide assistance to reduce the environmental and national security threats from nuclear facilities in these republics once they have met their obligations.

The Department of Energy will administer this program with \$500 million of unobligated Department funds. The assistance provided would speed up the retirement of plutonium producing facilities, and accelerate the closure of Chernobyl-type nuclear reactors. It would assist in the safe disposal and storage of radioactive materials, and promote the use of alternative energy sources. Of mutual interest to both the former Soviet Union and the United States will be the establishment of training and technology programs, and the cooperative sharing of information which will strengthen nuclear materials accounting and security systems.

It is of vital importance to our national security that arms control treaties be adhered to, and once these Republics fulfill their arms control commitments, they will reap real benefits from the assistance provided for the environmental cleanup of their nuclear programs.

### U.S. SERVICE EXPORTS ARE GROWING RAPIDLY, BUT ALMOST UNNOTICED

**HON. MICHAEL G. OXLEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. OXLEY. Mr. Speaker, the following article, which appeared in the April 21 edition of the Wall Street Journal, points out the good news about the trade issue. I recommend this for all of my colleagues and anyone else who is truly interested in an accurate picture of the entire issue of trade and foreign trade surpluses and deficits.

#### U.S. SERVICE EXPORTS ARE GROWING RAPIDLY, BUT ALMOST UNNOTICED

(By Ralph T. King, Jr.)

American companies that don't make a thing are turning the U.S. into an export powerhouse.

The country's merchandise deficit, at \$96 billion last year and topping \$100 billion in seven of the past nine years, provokes repeated outbursts against America's trading partners. But almost unnoticed, U.S. companies that sell services, rather than raw materials or manufactured goods, racked up a \$59 billion trade surplus last year, a nearly fivefold increase from 1986. If goods and services

trade data are lumped together—they aren't, because of an outdated Commerce Department convention—it becomes clear that the U.S. has an ace-in-the-hole in world trade.

U.S. companies are sparking "a hidden boom in services exports," says Allen Sinai, a Boston Co. economist. That boom not only enriches the companies and their shareholders but also creates a significant number of high-paying jobs in the U.S.—though fewer jobs than a boom in manufactured exports would bring.

#### A VARIETY OF SUPPLIERS

World-class suppliers of services include brand-name giants such as American Express Co., McDonald's Corp., and Walt Disney Co. Also among them are thousands of smaller companies such as Monitor Co., a management consulting firm in Cambridge, Mass., that gets half of its \$60 million in annual revenue from abroad. What all these companies are exporting so successfully is information, know-how, creativity, and technology, things the rest of the world badly wants.

"Information is as much a product as an automobile. . . . But this is not the way people look at it. We are conditioned by the goods economy of yesteryear," Mr. Sinai says.

The misconception arises in part from the onslaught of consumer imports such as Japanese cars and stereos, which don't blend into the woodwork the way untangible U.S. services do abroad. Few people know that last year the U.S. ran a surplus in services with Japan totaling \$11 billion, equal to 28% of America's \$50 billion merchandise deficit with that country.

#### STATISTICAL PROBLEMS

Moreover, the Commerce Department reports merchandise-trade data monthly—prompting gloomy headlines every time—and releases services-trade figures quarterly with a three-month lag. The reason: Widgets are more easily tracked and counted than services such as waste management or data processing. The government doesn't include most financial services because electronic money flows are so hard to categorize. Some experts believe that the recently reported \$167 billion in services exports for 1992 may be understated by at least 20%.

But as the nation's private services sector has eclipsed manufacturing in output, its importance in foreign trade has surged, to 28% of total exports from 17% in 1980. And as the wealth of U.S. trading partners grows—and if trade barriers continue to fall—foreign demand for U.S. services is bound to increase. Mr. Sinai says it is "very easy to see" the services trade surplus "doubling or tripling by the end of the decade," to nearly \$200 billion.

Some of the services responsible for the "hidden boom" don't seem like exports at all. For example, spending by foreign visitors to the U.S.—on hotel rooms, restaurant meals, air fares, vacation attractions and the like—generated about one-third of the \$59 billion private services surplus last year. Foreign enrollment in U.S. universities, totaling more than 400,000 students, added \$5 billion or so.

All the rest is generated by business and technical services such as engineering, accounting, computing and legal services and by entertainment and new technologies that earn royalties and license fees. Companies offering services of these types have achieved the fastest growth abroad. At Disney, Chairman Michael Eisner says foreign sales, which already account for 19% of total sales up from 10% in 1987, should continue to



grow faster than its domestic business. At Texas Instruments Inc., royalties paid by foreigners for use of its computer-chip-making patents have quadrupled since 1987 to nearly \$400 million. And at Waste Management Inc., foreign sales surged more than 15-fold in the past six years, to \$1.5 billion in 1992.

In addition to profits from exports, U.S. companies earned about \$20 billion last year on sales by their foreign-based service operations, such as travel offices operated by American Express in New Delhi and Cairo. That figure is also expected to rise sharply. U.S. capital investment in such operations doubled between 1986 and 1991 to a cumulative \$216 billion, exceeding that of U.S. manufacturers abroad.

Services exports have been aided by the plunge in the dollar since 1985. In addition, U.S. service companies, helped by superior universities and honed by an intensely competitive economy, are far more productive than their foreign rivals. McKinsey & Co. calculated that American companies are about 50% more efficient than Japanese retailers and German telecommunications concerns. These and other nations limit U.S. companies' access to key service markets, partly in hopes of catching up.

Nevertheless, the wider U.S. economy, and especially its work force, won't reap all or even most of the benefits from this boom because services are very different from manufactured goods. Although U.S. goods sold abroad create mostly U.S. jobs, the sale of U.S.-generated services often involves lots of foreign employees because many services are, by necessity, provided locally. At American International Group Inc., most of the huge insurance company's policies are devised by experts at its New York headquarters. But AIG has 16,000 foreign employees, amounting to half its total work force, selling and processing policies in 130 countries.

Moreover, much American service capability can be easily transplanted. One of the world's largest and most advanced aircraft-maintenance facilities is expected to siphon plenty of jobs and work away from U.S.-based shops when it opens at year end in Tijuana, Mexico. The owner, Matrix Aeronautica, says that Americans will provide training and supervision but that the majority of employees will be lower-wage Mexican technicians.

#### GE'S JOB MOVES

Similarly, General Electric Co. eliminated hundreds of essentially service jobs at plants in the Midwest by shifting technical drafting to computer-aided designers in India and Eastern Europe, says James Sommerhauser of the International Federation of Professional and Technical Engineers. To head off such developments at American Telephone & Telegraph Co., the Communications Workers of America union is working closely with the company in strategic planning. "We want to make sure service jobs aren't exported the way manufacturing jobs have been," says Jeff Miller, a CWA spokesman.

Some American companies dominate service markets abroad because they treat customers better than foreign rivals do. Thus, American Express, which first made it easier for Americans to go abroad, now also caters to foreigners in their own countries. Within Germany, 80% of all American Express card usage is by Germans, up from 50% five years ago. Germans, and cardholders in 30 countries, now get their bills denominated in the local currency. The company's foreign revenue has nearly tripled since 1982 to an esti-

mated \$5.5 billion last year, some 20% of its total revenue.

Even when technology transfer is the primary objective, customer focus comes into play. In 1989, a consortium including a unit of Pacific Telesis Group, the San Francisco Baby Bell, won the right to build and partly own a \$2 billion cellular-phone network in Germany. Other bidders had the technical expertise, but the Pactel unit offered support systems critical to building the business and making it user-friendly, things such as accounting software, management information systems and customer-service procedures.

"In the U.S., we expect good service," says Jan Neels, president of the unit, Pacific Telesis International. "That has forced U.S. companies to cater to it, and that is why we bring value" to projects in Europe where until recently the attitude was, "Shut up, you should be glad you have [phone] service." After just four years, foreigners account for 15% of the unit's 800,000 cellular customers world-wide.

Some opportunities arise from Americans' long experience with problems that other countries are just beginning to face. U.S. environmental regulations, for example, spawned a giant waste-handling industry, an industry that is primitive or nonexistent in much of the world. Into this void waded Waste Management. It collects trash, cleans streets and constructs sanitary landfills in 20 countries, including Argentina and New Zealand. It also has a 15-year contract to run a hazardous-waste treatment plant that will process all of Hong Kong's industrial waste.

Complicated legal and tax systems in the U.S. have provided a similar advantage to law and accounting firms. At Chicago-based Baker & McKenzie, the world's largest law firm, more than half its 1,651 attorneys work outside the U.S. Its chairman, John McGuigan, is Australian, and many partners are eligible to practice law in several countries. Like American Express, it expanded with the aim of serving U.S. multinationals wherever they operated, and now it advises many foreign clients at home and abroad. Besides the major capitals, the firm has offices in cities such as Valencia, Venezuela.

As big and vibrant as it is, the U.S. economy is a breeding ground for state-of-the-art thinking on many fronts. Monitor Co., for example, provides a pipeline for management ideas from the best U.S. business schools through seven overseas offices, including ones in Madrid, Milan and Seoul. Co-founded in 1984 by Michael Porter, a Harvard professor, the firm conceives business strategies to help clients exploit their competitive strengths.

Big companies such as Texas Instruments aren't the only ones tapping demand for U.S. technology. Visual Software Inc., of Woodland Hills, Calif., employs about a dozen software engineers who customize graphics and animation code for clients in places such as Cyprus, Austria and Mexico. One foreign government retained the company to make voter-identification cards using unforgivable 3-D photo images. Founded just three years ago, Visual says 40% of its \$3.5 million of revenue comes from abroad.

Douglas Richard, Visual Software's chief executive, doubts that the U.S. will lose its dominance in software programming anytime soon. "People say India has hundreds of programmers lining up software code at low cost. That's fine as long as the code is like assembling a toaster," he says. "But if you introduce a creative element into the process, which inevitably you do, then [software writing] is much more a craft, closer to writing a novel than building a toaster."

#### ENTERTAINING NUMBERS

Ditto for the entertainment industry, the nation's second-largest exporter after aerospace. Disney accounted for a big slice of the industry's estimated 1992 surplus of \$6 billion. The company produces the most popular TV shows in Russia and Germany, publishes Italy's bestselling weekly magazine and lures more Japanese visitors to Tokyo Disneyland than almost any other attraction in Japan. Foreign box-office revenue for "Beauty and the Beast" alone hit \$200 million.

Mr. Eisner, Disney's chairman, attributes the success of his company and others in Hollywood partly to the size and affluence of the world's English-speaking population. But also, he says, foreigners "sense that what ends up on the screen is freely created. We are making movies about and in a system of freedom . . . that [many foreigners] revere. Our political system creates intellectual products that are hungered for around the world."

Besides entertainment, the world yearns for nuts-and-bolts ideas that lift living standards. Enter U.S. franchisers, some 450 strong with 40,000 outlets worldwide, which are tapping into a rich entrepreneurial vein in many cultures. This is especially true in places such as Eastern Europe and South Africa, where small business has been hobbled for years.

The global expansion of McDonald's is well known, but how about that of I Can't Believe It's Yogurt Ltd.? During its 15 years in the U.S., the Dallas based franchiser has created a step-by-step procedure for opening and running a frozen-yogurt store anywhere in the world, says James Amos Jr., its chief operating officer. It works closely with local contacts familiar with the requirements and idiosyncrasies of each country, and it promotes franchisees' long-term success by getting most of its profit from product sales rather than up-front franchise fees. In the past three years, the company has opened 127 outlets in 20 countries; it expects to have 1,000 within two years.

"The world is not panting for frozen yogurt because they don't know what it is," Mr. Amos says. "But they are desperate for ways to start a business."

#### TRIBUTE TO JAYNE SHAPIRO

#### HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. McKEON. Mr. Speaker, I rise today to pay tribute to Jayne Shapiro of Granada Hills, CA. Jayne is being honored on May 16, 1993, by the Abraham Joshua Heschel Day School as their woman of the year for her outstanding service and dedication to the school and the community.

Jayne has been associated with many vital Heschel projects and has served the school in many capacities. She has served as president of the parent organization, providing leadership, energy and undying dedication to the school and its mission. Jayne was also vice president of the capitol funds and ways and means committees. In these positions she offered her strength of conviction and character to uphold the principles and standards of the school and to secure the successful financial continuance of Heschel.

Jayne is also recognized as an accomplished Jewish activist for her strong commitment and dedication to the Jewish community. Jayne serve on the executive boards of the United Jewish Appeal, national women's division and chaired a national women's division mission to Prague and Israel.

Jayne also served as United Jewish Fund women's division campaign chair for the San Fernando Valley region and is presently on its executive board. Jayne's leadership and years of service have won her appointment to the national and Los Angeles regional executive boards of the American Israel Political Action Committee [AIPAC]. She is also a life member of Hadassah, a member of the Golda Meir Club for Israel Bonds, and an ardent supporter of the Jewish National Fund.

Mr. Speaker, Jayne is truly a remarkable individual. Her unbridled devotion to her community should be enthusiastically commended. I am fortunate enough to count Jayne Shapiro as one of my constituents, and a friend that I truly admire. I offer her my sincerest congratulations and ask my colleagues to join me in saluting her tireless efforts.

## RUSSIAN TRIP

### HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. HYDE. Mr. Speaker, a bipartisan leadership group led by Republican Leader ROBERT MICHEL and Majority Leader RICHARD GEPHARDT recently traveled to Ukraine and Russia. While on the trip, I wrote a series of six articles for the Daily Herald which I would like to share with my colleagues.

The following two articles are last in the series. The first describes our very interesting meeting with Vice President Aleksandr Rutskoy. The second concludes the series with some of my observations on the future of Russia and the role of the United States and the West in supporting the reform process.

#### RUSSIAN VICE PRESIDENT HAS NO USE FOR YELTSIN'S REFORMS

(By Henry Hyde)

MOSCOW.—The most interesting interview of our Moscow visit was with Vice President Aleksandr Rutskoy. Rutskoy is an outspoken adversary of President Yeltsin. We met in his office which is dominated by a huge portrait of Peter the Great and a large wall map of the pre-1991 Soviet Union. An impressive man, not cordial but direct and proper, he reminds me of a graying Tom Selleck. Dressed impeccably, he struck me as a person who didn't welcome small talk. His background includes service in Afghanistan (where the told us the military tried to brainwash him with anti-American propaganda which—he said—he never believed. Maybe not ALL, Mr. Vice President, but SOME?)

He rose to the rank of Major General in the Air Force after joining the Communist Party in 1970. He flew 429 bomber missions in Afghanistan before getting shot down and injuring his back. He returned and flew another 100 missions, was again shot down and captured by the Afghan rebels. He was awarded the Hero of the Soviet Union medal for his war service. He has traveled widely

but never to the United States. He is important, as I was told by a senior foreign correspondent for a major newspaper, because he "represents the future of Russia." Rutskoy denies media reports that he rejects all American aid, although he repeated his criticism that it is humiliating for Russia to go like a beggar seeking money from the U.S.

He denies that the so-called reforms have been thought out, calling them largely slogans, not ideas. He accused the U.S. of a double standard in not objecting to abuses of ethnic Russians in the Baltic states, whereupon Congressman Tom Lantos, D-Calif., forcefully reminded Rutskoy that in fact we did not protest. "Actions speak louder than words" was his testy reply.

He rattled off a lot of statistics designed to prove that Russian reforms have only destabilized a once orderly society. He mentioned the escalating crime rate in Moscow and the floods of refugees fleeing from the other former Soviet republics to Russia.

The vice president believes firmly in government economic controls, but we got no details. He asserted four priorities, housing, food, clothing and medicine. "If we can solve these, we can have a successful society," he said. One ray of sunshine in what was mostly a depressing thunderstorm was his mention that he admired Americans who touch their heart when their National Anthem is played—this demonstrating love for their motherland.

He made two suggestions on American aid to Russia, perhaps to soften the mood his lecture had created. He suggested that Americans should invest in joint ventures with Russians—advice that was contradicted by Moscow's American business community we had breakfast with the next morning. He also asserted that every dollar we provide should be invested "in a concrete project to achieve concrete results, otherwise it just goes in the sand." This last advice may have been worth the entire trip!

#### FOR THE UNITED STATES, THE STAKES IN RUSSIA ARE HIGH

We have finished refueling at Shannon airport after a nearly four-hour flight from frigid St. Petersburg, Russia, and now face a seven-hour last leg to where it all started eight days ago—Andrews Air Force Base near Washington. In the last week we have met with a host of senior people in government and business in Ukraine and Russia.

Earlier—in our final day in Moscow, we had spent about three hours with some American businessmen who are trying to get a foothold in the new Russian system. They were very bright, very frustrated by uncertainties and hopeful that all the bureaucratic red tape that ties them in knots could be overcome.

We flew to St. Petersburg on Friday and as we left the airplane walked into falling snow and biting wind. In this northern port city of about five million people, we met with the mayor, local officials, our consulate staff and more American business people getting established here. We heard a mixture of pride, hope, frustration and optimism. We encountered more reformers in this historic and architectural feast of a city, and greater expectations that "everything in the end will turn out right!"

What conclusions have I reached? First, Yeltsin does matter for the future of Russia because there is no one quite like him. All the other big names in Russia who claim the mandate of reform cannot measure up to his prestige, nor command his following. This

makes our job a delicate one. Should he lose the April 25 referendum and feel constrained to resign—as he has threatened to do—we must be prepared to work with his successors, provided they are also reformers. Yeltsin's popularity has been slipping, but he is still the most preeminent political figure in Russia.

The country will remain in crisis for years to come, even should Yeltsin win and get his reforms adopted by a new Parliament. It took Poland three years to turn her economy around and she took the "cold plunge" to reform. Russia is like a man with a heart attack running in a marathon—very, very tentative. Ukraine is even more so, with no major economic reform or significant privatization under way.

A world about the Russian military. They don't want to be used to quell dissent in Vilnius, Lithuania and in Georgia. They don't want to be on the losing side and they have no desire to be fractured internally by conflicting politics.

The U.S. and the West face difficult challenges and choices in Russia. Do we help her become a peaceful free enterprise democracy, or do we let her slowly twist in the wind, with her 30,000 nuclear warheads, finally reverting to a West-hating inward looking nationalist state seething with ethnic hatreds? Do we watch as spectators as the former Soviet Union becomes a present day Yugoslavia?

For 76 years the free world has been threatened by the specter of international communism. Since 1945, we have evolved into two colossal nuclear superpowers glaring at each other across the Bering Strait, across Europe, Asia, Africa and Latin America. Now, in an event of earth shaking proportions, the Soviet Union has collapsed and its republics are trying to revive themselves as proud nations. Russia and Ukraine still have enormous resources, both physical and human. Their 300 million people will constitute a huge market for our goods and services as they struggle to join the West as a free market democracy.

I believe the United States, and the West as a whole, should support both private and government efforts to advance the process of economic and political reform in those countries so long as reform continues and our support is necessary and achieving real, measurable progress. The stakes are very high. The risks are great. But, I believe we owe a safer world to our children and their children. I believe being leader of the free world requires taking the long view of the world and the years ahead. With our help and our example such a world will include a peaceful, democratic Russia.

## VILLA MARIA ACADEMY CELEBRATES 75TH ANNIVERSARY

### HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. QUINN. Mr. Speaker, I rise today on the floor of this House to join with the people of western New York in honor of the 75th anniversary of Villa Maria Academy.

On Sunday, May 2, 1993 at the Statler Golden Ballroom, I will join Principal Mary Angelica Bielski, administrators, faculty and alumnae for their diamond anniversary banquet.



It was 1901 when a private Catholic secondary school for young women was begun in a small building at the corner of William and Kennedy Streets in Buffalo.

Administered by the Felician Sisters, the mission of the then Immaculate Heart of Mary Academy was to educate and prepare young women interested in entering religious life.

In 1918 the school received its regents charter from the State of New York. It is from this point that Villa Maria Academy marks its official beginning.

Seventy-five years later, Villa Maria Academy stands as an educational cornerstone of the Buffalo and Cheektowaga communities. Empowered by a caring staff of both Felician and lay professionals, Villa Maria Academy continues to provide a high standard of educational excellence in an atmosphere of spirituality and creativity.

The academy offers its students a unique blend of educational resources and experiences which help them to recognize their own goodness, worth and potential as individuals.

The administration and faculty at Villa Maria Academy strive to help young women to develop fully by offering quality learning experiences, by encouraging personal leadership, and commitment to Gospel values.

I am pleased to offer my best wishes on this historic occasion. I commend Villa Maria Academy for a job well done and offer a wish for continued success into the next century.

#### TRIBUTE TO AMNESTY INTERNATIONAL

#### HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. PORTER. Mr. Speaker, I rise to pay tribute to the work of Amnesty International, one of the world's leading human rights organizations, and to its current secretary general, Mr. Pierre Sane.

Since Amnesty's founding in London in 1961, its network of over 1 million members has operated under the belief that governments should not be permitted to deny individuals their basic human rights. These volunteers have worked to encourage the release of over 25,000 prisoners of conscience in countries around the globe.

Amnesty International works to free men and women who have been detained or imprisoned because of their race, ethnic origin, sex, religion, language, or political beliefs provided they have not used or advocated violence. Amnesty also works to ensure the implementation of internationally recognized standards of fair and prompt trials and opposes the use of torture and the death penalty in all cases. On account of its efforts to persuade the governments of all countries to adhere to the Universal Declaration of Human Rights, Amnesty was awarded the Nobel Peace Prize in 1977.

This year marks the 10th anniversary of the congressional human rights caucus, which I am proud to cochair with my colleague, TOM LANTOS. Throughout its existence, the caucus has received invaluable assistance from Am-

nesty on a variety of human rights matters. We have frequently called upon the staff of Amnesty to provide statements for us in briefings and other events which the caucus has sponsored. We have also relied on Amnesty's reports for much of the work that we do to raise awareness about human rights issues in the Congress.

The secretary general of Amnesty International, Pierre Sane, will be in attendance at an event this week in the Capitol to honor Nobel Prize recipients and to rededicate ourselves to the cause of human rights. Mr. Sane, a native of Dakar, Senegal, was appointed to his current position in 1992. Before his appointment, he worked with the International Development Research Center and founded the International Committee on PANAF in an effort to promote regional integration and democracy in Africa.

Mr. Speaker, Amnesty International is recognized around the world for its tireless efforts to promote and protect the human rights of all persons and for its vigilance in working to free prisoners of conscience. It is with great respect for the work of this fine organization that I rise today to pay tribute to Amnesty International and its leader, Pierre Sane.

#### CHARLES CARROLL HOUSE

#### HON. WAYNE T. GILCREST

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. GILCREST. Mr. Speaker, on May 8, 1993, the Charles Carroll House in Annapolis, MD, will be opened to the public following an extensive renovation. This historical house will serve as an educational and cultural tool for both Annapolis and the State of Maryland.

This historical landmark housed several generations of the Carroll family, who were known for their wealth and influence in Maryland and throughout the Nation. The motto inscribed on the Carroll family crest reads: "Anywhere, So Long As There Be Freedom." This seems to have been the driving force behind Charles Carroll's original departure from Ireland to America in 1688.

After arriving in America, however, Carroll faced much religious discrimination and persecution because of his Roman Catholic faith. His grandson, Charles Carroll of Carrollton, also experienced discrimination as a result of his Roman Catholic beliefs, and was not permitted to vote or practice law. In spite of these drawbacks, he became one of the wealthiest men in the Nation, and a prominent figure in American history. He not only participated in the drafting of both the Maryland State Constitution and Bill of Rights, he also signed the Declaration of Independence. Throughout his political participation, he supported the rights for personal freedoms—religious and political.

The Carroll House has the distinction of being the only existing birthplace of a Maryland signer of the Declaration of Independence, and one of 15 such birthplaces in the United States.

Mr. Speaker, on behalf of Maryland residents, I express great pride and joy over the completion of this restoration and acquisition of another piece of American history.

#### TAKE OUR DAUGHTERS TO WORK DAY HELPS BUILD SELF-ESTEEM

#### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mrs. MALONEY. Mr. Speaker, as you may have noticed, there have been many new faces in this Chamber today including my 13-year-old daughter, Christina, and her classmates, Tarajia Morrell and Yasmine Nemaze.

These young women, who are all students at the Spence School in New York City, are here today as a result of a remarkable project, sponsored by the Ms. Foundation, called Take Our Daughters to Work.

Hundreds of businesses, nonprofit groups, and government agencies are taking part in this effort. What we are trying to do today is build self-esteem among young women and to expose them to a wide variety of career opportunities.

When I was growing up, such a nationwide event—celebrating the talents and potential of young women—was just about unthinkable. But today the world of work has changed. A woman's place is no longer only in the home. It is also in the House of Representatives and in the White House.

Earlier today a friend described hope as a muscle, something that must be exercised in order to gain strength. There is a lot of hope among the young women participating in this event today, and I am proud to join my colleagues in helping make that hope stronger.

#### BRUCE MARTIN HONORED

#### HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. TORRES. Mr. Speaker, I rise today to recognize Bruce Martin, manager of the Whittier Area Chamber of Commerce. Mr. Martin is retiring from the Whittier Area Chamber of Commerce after 14 years of service to the community and will be honored at a special luncheon on May 3, 1993.

Born and raised in Whittier, Mr. Martin graduated from Whittier High School in 1953. In 1957, Mr. Martin received his bachelor of arts degree in business from Whittier College. He and his lovely wife, Sally, have been married for 32 years. They have one daughter, Pepper, who graduated from Chapman University in 1992.

Bruce has dedicated his career to serving the people and community of Whittier. From 1957 to 1971, Mr. Martin worked with the Shell Oil Co. He served as the chamber director for the Pico Rivera Chamber of Commerce from 1971 to 1979. In 1979, Mr. Martin began his tenure as executive chamber director for the Whittier Area Chamber of Commerce. Under his leadership, the Chamber of Commerce has implemented numerous successful programs, including the Kenny Ball Marketing Center, the Whittier Hilton Hotel, working with the city, State, and Federal Government devising an earthquake recovery program.

The Chamber of Commerce, due to Bruce's visionary leadership, enhanced its involvement in issues germane to the business community, establishing a part-time marketing director and increasing its committees from 12 to 19. In addition, for the past 21 years, Bruce has successfully organized and coordinated the annual students Sacramento trip which provides students the opportunity to visit area legislators and learn more about California's legislative process.

Bruce also has been an active member of the Whittier Host Lions Club and Whittier College's Lancers Society. He has served as an active board member of the Presbyterian Intercommunity Foundation and the Whittier College Shannon Performing Arts Center.

Mr. Speaker, on May 3, 1993, Bruce Martin will be honored by the community of Whittier, the Whittier Area Chamber of Commerce, his family, friends, and colleagues for his exemplary contributions to the residents and businesses of Whittier. I ask my colleagues to join me in thanking and saluting this exceptional individual for his outstanding record of unselfish service.

## NATIONAL ABORTION FEDERATION REPORT

**HON. ROBERT K. DORNAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. DORNAN. Mr. Speaker, I commend to the attention of the American people the following report from the National Abortion Federation on late-term abortions. I would like to remind everyone that second and third trimester abortions on demand will be perfectly legal should Congress pass H.R. 25, the Freedom of Choice Act.

### DILATION AND EXTRACTION FOR LATE SECOND TRIMESTER ABORTION

(By Martin Haskell, M.D.)

#### INTRODUCTION

The surgical method described in this paper differs from classic D&E in that it does not rely upon dismemberment to remove the fetus. Nor are inductions or infusions used to expel the intact fetus.

Rather, the surgeon grasps and removes a nearly intact fetus through an adequately dilated cervix. The author has coined the term Dilation and Extraction or D&X to distinguish it from dismemberment-type D&E's.

This procedure can be performed in a properly equipped physician's office under local anesthesia. It can be used successfully in patients 20-26 weeks in pregnancy.

The author has performed over 700 of these procedures with a low rate of complications.

#### BACKGROUND

D&E evolved as an alternative to induction or instillation methods for second trimester abortion in the mid 1970's. This happened in part because of lack of hospital facilities allowing second trimester abortions in some geographic areas, in part because surgeons needed a "right now" solution to complete suction abortions inadvertently started in the second trimester and in part to provide a means of early second trimester abortion to avoid necessary delays for instillation methods. The North Carolina Conference in 1978

established D&E as the preferred method for early second trimester abortions in the U.S. Classic D&E is accomplished by dismembering the fetus inside the uterus with instruments and removing the pieces through an adequately dilated cervix.

However, most surgeons find dismemberment at twenty weeks and beyond to be difficult due to the toughness of fetal tissues at this stage of development. Consequently, most late second trimester abortions are performed by an induction method.

Two techniques of late second trimester D&E's have been described at previous NAF meetings. The first relies on sterile urea intra-amniotic infusion to cause fetal demise and lysis (or softening) of fetal tissues prior to surgery.

The second technique is to rupture the membranes 24 hours prior to surgery and cut the umbilical cord. Fetal death and ensuing autolysis soften the tissues. There are attendant risks of infection with this method.

In summary, approaches to late second trimester D&E's rely upon some means to induce early fetal demise to soften the fetal tissues making dismemberment easier.

#### PATIENT SELECTION

The author routinely performs this procedure on all patients 20 through 24 weeks LMP with certain exceptions. The author performs the procedure on selected patients 25 through 26 weeks LMP.

The author refers for induction patients falling into the following categories: Previous C-section over 22 weeks; Obese patients (more than 20 pounds over large frame ideal weight); Twin pregnancy over 21 weeks; and Patients 26 weeks and over.

#### DESCRIPTION OF DILATION AND EXTRACTION METHOD

Dilation and extraction takes place over three days. In a nutshell, D&X can be described as follows: Dilation; More dilation; Real-time ultrasound visualization; Version (as needed); Intact extraction; Fetal skull decompression; Removal; Clean-up; and Recovery.

##### Day 1—Dilation

The patient is evaluated with an ultrasound, hemoglobin and Rh. Hadlock scales are used to interpret all ultrasound measurements.

In the operating room, the cervix is prepped, anesthetized and dilated to 9-11 mm. Five, six or seven large Dilapan hydroscopic dilators are placed in the cervix. The patient goes home or to a motel overnight.

##### Day 2—More Dilation

The patient returns to the operating room where the previous day's Dilapan are removed. The cervix is scrubbed and anesthetized. Between 15 and 25 Dilapan are placed in the cervical canal. The patient returns home or to a motel overnight.

##### Day 3—The Operation

The patient returns to the operating room where the previous day's Dilapan are removed. The surgical assistant administers 10 IU Pitocin intramuscularly. The cervix is scrubbed, anesthetized and grasped with a tenaculum. The membranes are ruptured, if they are not already.

The surgical assistant places an ultrasound probe on the patients abdomen and scans the fetus, locating the lower extremities. This scan provides the surgeon information about the orientation of the fetus and approximate location of the lower extremities. The transducer is then held in position over the lower extremities.

The surgeon introduces a large grasping forcep, such as a Bierer or Hern, through the vaginal and cervical canals into the corpus of the uterus. Based upon his knowledge of fetal orientation, he moves the tip of the instrument carefully towards the fetal lower extremities. When the instrument appears on the sonogram screen, the surgeon is able to open and close its jaws to firmly and reliably grasp a lower extremity. The surgeon then applies firm traction to the instrument causing a version of the fetus (if necessary) and pulls the extremity into the vagina.

By observing the movement of the lower extremity and version of the fetus on the ultrasound screen, the surgeon is assured that his instrument has not inappropriately grasped a maternal structure.

With a lower extremity in the vagina, the surgeon uses his fingers to deliver the opposite lower extremity, then the torso, the shoulders and the upper extremities.

The skull lodges at the internal cervical os. Usually there is not enough dilation for it to pass through. The fetus is oriented dorsum or spine up.

At this point, the right-handed surgeon slides the fingers of the left hand along the back of the fetus and "hooks" the shoulders of the fetus with the index and ring fingers (palm down). Next he slides the tip of the middle finger along the spine towards the skull while applying tension to the shoulders and lower extremities. The middle finger lifts and pushes the anterior cervical lip out of the way.

While maintaining this tension, lifting the cervix and applying traction to the shoulders with the fingers of the left hand, the surgeon takes a pair of blunt curved Metzenbaum scissors in the right hand. He carefully advances the tip, curved down, along the spine and under his middle finger until he feels it contact the base of the skull under the tip of his middle finger.

Reassessing proper placement of the closed scissors tip and safe elevation of the cervix, the surgeon then forces the scissors into the base of the skull or into the foramen magnum. Having safely entered the skull, he spreads the scissors to enlarge the opening.

The surgeon removes the scissors and introduces a suction catheter into this hole and evacuates the skull contents. With the catheter still in place, he applies traction to the fetus, removing it completely from the patient.

The surgeon finally removes the placenta with forceps and scrapes the uterine walls with a large Evans and a 14 mm suction curette. The procedure ends.

#### RECOVERY

Patients are observed a minimum of 2 hours following surgery. A pad check and vital signs are performed every 30 minutes. Patients with minimal bleeding after 30 minutes are encouraged to walk about the building or outside between checks.

Intravenous fluids, pitocin and antibiotics are available for the exceptional times they are needed.

#### ANESTHESIA

Lidocaine 1% with epinephrine administered intra-cervically is the standard anesthesia. Nitrous-oxide/oxygen analgesia is administered nasally as an adjunct. For the Dilapan insert and Dilapan change, 12cc's is used in 3 equidistant locations around the cervix. For the surgery, 24cc's is used at 6 equidistant spots.

Carbocaine 1% is substituted for lidocaine for patients who expressed lidocaine sensitivity.



## MEDICATIONS

All patients not allergic to tetracycline analogues receive doxycycline 200 mgm by mouth daily for 3 days beginning Day 1.

Patients with any history of gonorrhea, chlamydia or pelvic inflammatory disease receive additional doxycycline, 100 mgm by mouth twice daily for six additional days.

Patients allergic to tetracyclines are not given prophylactic antibiotics.

Ergotrate 0.2 mgm by mouth four times daily for three days is dispensed to each patient.

Pitocin 10 IU intramuscularly is administered upon removal of the Dilapan on Day 3.

Rhogam intramuscularly is provided to all Rh negative patients on Day 3.

Ibuprofen orally is provided liberally at a rate of 100 mgm per hour from Day 1 onward.

Patients with severe cramps with Dilapan dilation are provided Phenergan 25 mgm suppositories rectally every 4 hours as needed.

Rare patients require Synalogs DC in order to sleep during Dilapan dilation.

Patients with a hemoglobin less than 10 g/dl prior to surgery receive packed red blood cell transfusions.

## FOLLOW-UP

All patients are given a 24 hour physician's number to call in case of a problem or concern.

At least three attempts to contact each patient by phone one week after surgery are made by the office staff.

All patients are asked to return for check-up three weeks following their surgery.

## THIRD TRIMESTER

The author is aware of one other surgeon who uses a conceptually similar technique. He adds additional changes of Dilapan and/or laminaria in the 48 hour dilation period. Coupled with other refinements and a slower operating time, he performs these procedures up to 32 weeks or more.

## SUMMARY

In conclusion, Dilation and Extraction is an alternative method for achieving late second trimester abortions to 26 weeks. It can be used in the third trimester.

Among its advantages are that it is a quick, surgical outpatient method that can be performed on a scheduled basis under local anesthesia.

Among its disadvantages are that it requires a high degree of surgical skill, and may not be appropriate for a few patients.

## CHINA BRUTALIZES ITS WOMEN

## HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 28, 1993

Mr. SMITH of New Jersey. Mr. Speaker, this past Sunday, April 25, 1993, the New York Times published two articles which dramatically expose the barbarism which is used to enforce the People's Republic of China's birth quota policy.

This brutal Government-sanctioned policy, which employs forced abortions and involuntary sterilizations, violates numerous internationally recognized standards of human rights. It is profoundly disturbing that the U.N. Population Fund [UNFPA] continues to engage in an international coverup of China's heinous practices. Their top officials continue to publicly praise China's program as totally

voluntary despite mountains of evidence to the contrary. In addition, the UNFPA provides more than \$10 million worth of assistance to China's brutal population control program each year.

Mr. Speaker, the UNFPA's actions made a mockery of United Nation's proclamations on human rights. Unless the UNFPA can promptly prevail on China to cease their barbaric attacks on women and children, they should completely disassociate themselves from China's program.

President Clinton, for his part, should reverse his decision to provide U.S. funds to the UNFPA unless these conditions are met. I believe the President and my congressional colleagues will be profoundly moved if they take the time to read the following articles by Nicholas Kristof and Sheryl WuDunn.

## CHINA'S CRACKDOWN ON BIRTHS: A STUNNING, AND HARSH, SUCCESS

(By Nicholas D. Kristof)

BEIJING, April 24.—She should be taking her two-month-old baby out around the village now, proudly nursing him and teaching him about life. Instead, her baby is buried under a mound of dirt, and Li Qiuliang spends her time lying in bed, emotionally crushed and physically crippled.

The baby died because under China's complex quota system for births, local family planning officials wanted Ms. Li to give birth in 1992 rather than 1993. So on Dec. 30, when she was seven months pregnant, they took her to an unsanitary first-aid station and ordered the doctor to induce early labor.

Ms. Li's family pleaded. The doctor protested. But the family planning workers insisted. The result: the baby died after nine hours, and 23-year-old Ms. Li is incapacitated.

## LOWEST FERTILITY EVER

That episode in Hunan Province, described in a classified Government report and confirmed by the local authorities, is one outgrowth of a major nationwide crackdown by the Chinese family planning authorities. While the crackdown has been under way for two years, information about it is only now emerging as the authorities release population statistics showing a stunning decline in the birth rate.

The latest data suggest that through compulsory sterilization and other measures, China has lowered fertility to by far its lowest level ever here. The statistics for 1992—showing many fewer babies even than during the harsh crackdowns of the early 1980's—amazed population experts, for the family planners achieved targets that they had not expected to reach until the year 2010.

## PROBLEM FOR CLINTON

Ms. Li's persecutors had a reason for going to such extremes to enforce population quotas: they were protecting themselves under a new "responsibility system" that the Government has introduced as the mechanism for the crackdown. Under this system, central leaders hold local officials personally responsible for reducing births in their jurisdictions, and punish them for failing to do so.

The evidence of a far-reaching crackdown presents a direct challenge to the Clinton Administration. President Reagan had cut off United States financing of the United Nations Population Fund because of concerns that its work was intertwined with a coercive family planning program in China, but President Clinton announced last month that he would end the boycott.

Now the new evidence of a crackdown is likely to embarrass Mr. Clinton as he tries to restore funds to the United Nations program. Moreover, criticisms in the United States about forced sterilization in China are likely in turn to inflame Chinese sensitivities and could create new tensions in Chinese-American relations.

To be sure, some Chinese—particularly city-dwellers—support a tough family planning policy. They say the drop in fertility is helping to produce a historic economic boom and a rise in the nation's education and health standards.

By restricting couples to one or two children each, they say, the Government is helping to lead China out of poverty and into a modern, industrialized future. They note that one reason why China's long-term development prospects may be better than Bangladesh's or Kenya's is that Beijing appears to have defused its population bomb.

Peng Peiyun, the 64-year-old minister of the State Family Planning Commission, acknowledged in a rare news conference on Wednesday that it was mainly Government efforts that had brought down the birth rate.

"Why did fertility drop so drastically?" asked Ms. Peng, who two years ago convinced the Politburo to order the crackdown. "Above all because party and Government officials at all levels paid greater attention to family planning and adopted more effective measures."

The indications of a drop in fertility come in a raft of statistics announced by Ms. Peng, printed in the official Population News or disclosed by Chinese officials. Among the figures are these:

The birth rate dropped to 18.2 per 1,000 population in 1992, down from 21.1 in 1990 and 23.33 in 1987.

Based on last year's birth data, each Chinese woman can expect to have an average of 1.8 or 1.9 children in her lifetime—about the same as in the United States or Britain. China's total fertility rate as this statistic is known, was 2.3 in 1990 and had never before dipped below 2. In contrast, the average Indian woman has four children.

Only 9.6 percent of all births in 1992 were third, fourth or subsequent children. In 1988, the figure was 15.4 percent.

The proportion of couples of childbearing age who are sterilized or use contraception rose to 83.4 percent in 1992, up from 71.1 percent in 1988.

"It's what would be called saturation contraception in any other country," said Judith Banister, a specialist on China's population at the United States Bureau of the Census. "You can't get much higher than that."

## THE METHODS—STERILIZATION MADE EFFICIENT

China already has 1.17 billion inhabitants, 22 percent of the world's population on 7 percent of its arable land. Even at present fertility levels, the Chinese population will continue to soar because the age structure is very young and many Chinese have yet to enter their child-bearing years.

Some experts believe China's population will peak at almost 1.9 billion in the first half of the next century before stabilizing and then gradually declining again.

To Chinese peasants, who account for nearly one person in five on the planet, almost nothing is so important as bearing children, particularly sons. Many peasant couples feel that they have failed in life's mission, that they have dishonored their ancestors, if they do not extend the male line.

In the early 1980's, there was a storm of international protest when it became clear

that the local authorities sometimes dragged women to abortion clinics if they did not have permission to become pregnant. Interviews in a dozen provinces in the last few years suggest that such use of physical force is now less common.

Instead, the focus of the crackdown has shifted to the more efficient method of compulsory, organized sterilization, so that women do not have the option of becoming pregnant again.

Typically, local cadres swoop down on each village once or twice a year, taking all the women who have already had children to a nearby clinic. There they are fitted with IUD's or else undergo sterilization.

Some women manage to get pregnant again before they are sterilized; others flee the village on the day they are supposed to go to the clinic. When the authorities discover an unauthorized pregnancy, they normally apply a daily dose of threats and browbeating.

Some women buckle and accept an abortion, while many others simply flee to a relative's village, returning only after the child is born. In such cases, fines equivalent to hundreds or even thousands of dollars—per capita income in the countryside last year was \$135—are imposed. Peasants in many different provinces say homes are routinely knocked down if the fine is not paid.

#### WORST-CASE ABUSE—LOCAL OFFICIALS GET CARRIED AWAY

The report about Ms. Li, who is crippled after the induced labor, is an example of how local officials became carried away in the current crackdown. The three-page account, classified "secret," describes how Ningxiang County decreed in September that women should normally be allowed to give birth only after reaching the age of 24.

The problem for local authorities was that they had already given some women "pregnancy permits" even though they were under 24. Some of these women were pregnant. Nine of them—including Ms. Li—would not give birth until 1993, the first full year in which the new age limit took effect.

"Some district and township officials feared that they would be fined for not meeting the family planning targets, or would not receive their bonuses," the report declares.

So at the end of December the family planning officials formed an "early birth shock brigade" to round up all nine women so labor could be induced. When the team showed up at Ms. Li's home, her mother-in-law pleaded with the officials.

"My daughter-in-law's health isn't good, and she may not be able to get pregnant again," the report quotes the woman as saying. "So let her have one baby, someone to look after her and my son when they grow old. It doesn't matter if it's a boy or a girl. After it's born, she'll go get sterilized."

The officials rejected the plea. And at the first-aid station, when the doctor said Ms. Li was too frail to undergo induced labor, they swept his protests aside and ordered him to proceed. She bled severely, fell unconscious and almost died along with the baby.

Her family took her to the township clinic, which saved her life. Now she has returned home, but the report says she is crippled, without specifying the nature of her injuries.

The report deplores the actions of the local officials and calls for Ms. Li to be compensated for her medical expenses. But a county officer, reached by telephone, said that so far nothing had been done, except that the officials responsible for the "early birth shock brigade" have been summoned to a meeting and told not to induce labor in the future.

#### THE MOTIVATIONS—INSISTENCE ON MEETING TARGETS

In retrospect, it is now possible to piece together how the crackdown came about. Interviews with Chinese and foreign specialists, and examination of materials published in China, indicate that Ms. Peng and other senior officials became increasingly concerned in the late 1980's that enforcement was growing lax and that China would miss its targets.

In early 1991, Ms. Peng convinced Prime Minister Li Peng and the Communist Party General Secretary, Jiang Zemin, that the matter was urgent. The standing committee of the Politburo, the highest decision-making body, unanimously resolved to tighten family planning work.

Most important, the new "responsibility system" galvanized provincial leaders to pass warnings all the way down the chain of command: family planning targets had to be met! Otherwise, those in charge of the area would be fined or even dismissed.

A result was a 25 percent surge in the number of people sterilized in 1991, to 12.5 million. The number declined in 1992 to 6.5 million, apparently because most women of child-bearing age already had been sterilized by then.

The scope of the crackdown became visible only after the State Family Planning Commission released data from a sample survey conducted in October. The data for 1992 startled almost everyone.

"We were very surprised by these numbers," said Sterling D. Scruggs, the China director of the United Nations Population Fund. "We didn't expect statistics approaching these levels for several more years."

Western diplomats said they believed that a crackdown was the only plausible explanation for the new statistics. They said Ms. Peng herself seems willing to take credit for the drop in the birth rate.

#### THE MISSING GIRLS—SOME NEWBORNS SEEM TO VANISH

One prime concern among demographers is that hundreds of thousands of newborn Chinese girls seem to vanish from the statistics each year. Biology dictates that for every hundred female births there should be about 105 or 106 male births. But in 1989 for every 100 reported girl births, there were 113.8 births of boys.

That ratio implies that about 8 percent of newborn girls appear to have vanished from the statistics. In China that amounts to 900,000 missing girls each year.

Ms. Peng refused to release the sex ratio in 1992. An aide in charge of statistics, Zhang Erli, said the 1992 survey did not collect such information.

In fact, experts say the survey did gather the data and found a sex ratio of 118.5. But the sample size was small and the margin of error very high, so it is not clear how meaningful the difference is.

Zeng Yi, a leading Chinese demographer, said that the problem of the missing girls is very serious but that most of them are probably alive and never reported to the authorities. Parents who are allowed only one or two children may not want to use up their limited ration on a girl; instead they do not report the birth and try again.

A second factor, according to Mr. Zeng and many other experts, is the growing use of ultrasound equipment in Chinese hospitals. Peasants find out from the doctor—usually with a small bribe—whether a fetus is male or female. If it is female, they get an abortion and start all over.

A final factor, which Mr. Zeng argues is much rarer, is simply infanticide: on instruc-

tions from the parents, the midwife keeps a bucket of water beside her, and if a girl emerges, she drowns the baby immediately. It is reported as a stillbirth.

Mr. Zeng and other Chinese experts deplore all such practices. But ultrasound equipment is spreading rapidly, and so many specialists fear that the sex ratio is likely to become increasingly skewed.

Mr. Zeng cautioned that part of the apparent decline in fertility may simply be the result of under-reporting, particularly of girls. The figures were already adjusted upward by 7 percent to compensate for under-reporting, but Mr. Zeng believes that may not have been enough.

To some diplomats, what the new statistics underscore above all else is how little is known of what happens in the Chinese countryside.

"We had almost no idea that this was going on," a Western diplomat said, shaking his head in perplexity. "Even those who follow these things just had no clue."

#### BIRTHS PUNISHED BY FINE, BEATING OR RUINED HOME

(By Sheryl WuDunn)

GUIYANG, CHINA, April 24.—Four days after the birth, a brigade of 10 men and women came from the township to spoil the celebration.

They demolished the parents' hut, strewing stones and straw all over the place. Then they demanded the equivalent of \$45, and when the family could not pay, they smashed the couple's chest of drawers—their only furniture aside from a bed.

"Then they took away our family cow," said Peng Dagui, a 60-year-old peasant who is the grandfather of the baby boy. "I wouldn't let the cow out of my sight. I followed it all the way to the township and pleaded with the officials there. But they didn't care."

The Peng family had the misfortune to be caught up last year in a nationwide crackdown by the family planning authorities. The baby was a second child, a boy, and the parents did not wait the full four years before a second child is allowed in this area.

Instead, the baby was born five months before it would have been permitted, and so the local authorities destroyed the home and took the cow. And that was not the end of it.

#### A FORCED STERILIZATION

Three months after the birth, two dozen officials appeared in the village, in southern China's Guizhou Province, to take the baby's mother, Wang Zhengmei, 27, to the clinic to be sterilized. Ms. Wang did not dare refuse, and in any case, she was told that she would get \$3.50 if she had the operation.

She had a tubal ligation, but the officials never gave her the money, she said.

At least rebuilding a home is in some respects a bit easier in a poor Chinese village than in a big city: the father, Peng Fangang, rebuilt the hut in a month from stones and dry grass collected in the fields.

The only solace the Pengs had was that they were not alone: the officials had done the same thing to another family in the same village, tucked in a hilly region outside Guiyang, more than 1,100 miles southwest of Beijing.

The same plight has befallen many of China's 900 million peasants in villages across the country. Some of the victims are educated, some are illiterate, some have small businesses, and some have barely enough to eat.

#### PEASANTS OFTEN INTIMIDATED

From visits to rural villages in many areas of China, a picture emerges of a family plan-



ning policy that sometimes seems administered with capriciousness. The victims, mostly peasants, often seem intimidated, angry, bewildered and confused.

"Please, can you tell me, ultimately, what is the nation's family planning policy?" a 45-year-old grade-school teacher surreptitiously asked a visitor to his village.

In 1983, he and his wife had a second child, three years after they had their first. He thought this was permissible. But the policy had apparently changed, he said, and so officials fined him \$2,456, about 17 times his annual salary at that time.

Since he did not have the money, they deducted it from his salary, docking about 80 percent of his wages for a decade, until the end of last year, when he finally got a vasectomy. Such fines by an installment plan seem common in the villages—perhaps because otherwise nobody could pay them.

#### FINES SEEM ARBITRARY

What puzzles the peasants is that the fines often seem arbitrary, set at will by local officials. Some families seem to be able to have three or four babies; others are punished for having two.

Villagers say that if they cannot pay the fines, the family planning officials confiscate a cow, a pig, an important farm tool or household belongings like furniture or a television. Sometimes they simply smash the items, and often they knock down the house as well.

In another village, Luo Wanyun said the authorities had somehow agreed to let his wife have a third child. This seems a bit unlikely, but Mr. Luo, 38, has only a first-grade education, and it may have been a misunderstanding.

In any case, after the baby came, a brigade from the township knocked down his house. The team also confiscated his wooden thrasher, used to prepare the rice after it is harvested. Mr. Luo said his family had to live in the hills until they could borrow straw to rebuild the house.

"They often take things, your furniture, your cow, your pig, your chickens, your preserved meat," said a 35-year-old woman in another Guizhou Province village. "If you get sterilized, they take your stuff, and if you don't get sterilized, they beat you."

"Some people have been beaten badly, family members and women," she added. "They take electric batons and they hit whomever they see."

#### COFFIN IS CONFISCATED

She and other villagers were gathered in the house of Huang Guohai, a 37-year-old peasant who has two children, six years apart. For some reason, he never got a marriage license when he married 11 years ago.

Because he had no license, the peasants said, a brigade of 10 people, wielding sticks and screwdrivers, came to his house last year at 1 o'clock in the morning and took away his wash basin and black-and-white television. What upset Mr. Huang even more was that they confiscated the coffin and funeral clothes he had prepared for his aged mother, to be used when she dies.

Why didn't he resist? Mr. Huang explained, "If you don't let them take your things, you'll just get beaten."

To the east, in Guangdong Province, peasants tend to be much richer and can often afford to pay the fines to have more children. Some of them manage to defy the authorities.

In Shunshui, a hamlet in Taishan County, Wu Tiaoyuan said he and his wife, 33, hid for several months while she was pregnant with

their third child. She finally gave birth in February 1992 to the son they had always wanted.

"We kept moving around from village to village," Mr. Wu said. "It was very hard, and I was scared."

#### FRUITLESS ATTEMPT TO ESCAPE

Wu Xinlian, a 30-year-old peasant whose dream was to have a son, thought she too could escape the policy. She has two daughters, and so the authorities insisted that she be sterilized.

When the family planning authorities swept into her village a year ago, preparing to take her and other women to the hospital for a tubal ligation, Ms. Wu fled to Shunshui, where she grew up.

She stayed with her parents, planning to meet husband secretly and become pregnant. But the authorities discovered her whereabouts and sent two dozen officials to take her to a hospital for her tubal ligation. She said she did not dare refuse.

"I have no idea how they found out I was here," Ms. Wu said as she carried her younger daughter on a visit to her parents in Shunshui. She added wistfully, "I really wanted a boy."

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 29, 1993, may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### APRIL 30

9:30 a.m.

#### Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

10:00 a.m.

#### Finance

To hold hearings to examine various tax issues.

SD-215

#### Governmental Affairs

To resume hearings on S. 185, to restore to Federal civilian employees their right to participate voluntarily, as private citizens, in the political processes

of the nation, and to protect such employees from improper political solicitations.

SD-342

#### MAY 3

1:00 p.m.

#### Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

#### MAY 4

9:00 a.m.

#### Armed Services

Force Requirements and Personnel Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and the future years defense program, focusing on military services' personnel programs.

SD-562

9:30 a.m.

#### Commerce, Science, and Transportation

To hold hearings on the implications of the North American Free Trade Agreement (NAFTA) on the competitiveness of the U.S. surface transportation industry.

SR-253

#### Energy and Natural Resources

To hold hearings on the nominations of Thomas P. Grumbly, of Virginia, to be an Assistant Secretary of Energy for Environmental Restoration and Management, and Susan Fallows Tierney, of Massachusetts, to be an Assistant Secretary of Energy for Domestic and International Energy Policy.

SD-366

10:00 a.m.

#### Foreign Relations

African Affairs Subcommittee

To hold hearings to review the crisis in Sudan.

SD-419

2:00 p.m.

#### Joint Organization of Congress

To resume hearings to examine congressional reform proposals, focusing on committee structure.

H-5, Capitol

2:30 p.m.

#### Energy and Natural Resources

Mineral Resources Development and Production Subcommittee

To hold hearings on S. 775, to modify the requirements applicable to locatable minerals on public lands, consistent with the principles of self-initiation of mining claims.

SD-366

#### Foreign Relations

To hold hearings on the nominations of Harry J. Gilmore, of Virginia, to be Ambassador to the Republic of Armenia, Pamela Harriman, of Virginia, to be Ambassador to France, Victor Jackovich, of Iowa, to be Ambassador to the Republic of Bosnia and Herzegovina, and E. Allan Wendt, of California, to be Ambassador to the Republic of Slovenia.

SD-419

MAY 5

9:30 a.m.  
Appropriations  
Labor, Health and Human Services, and Education Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-124

Armed Services  
Military Readiness and Defense Infrastructure Subcommittee  
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the Department of Defense, and to review the fiscal years 1995-99 future years defense program, focusing on the readiness and sustainability of posture of selected unified combatant commands.

SR-232A

Energy and Natural Resources  
Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.  
Foreign Relations  
International Economic Policy, Trade, Oceans and Environment Subcommittee  
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for foreign assistance programs, focusing on changing priorities in foreign aid.

SD-419

2:00 p.m.  
Small Business  
To hold hearings on the nomination of Erskine B. Bowles, of North Carolina, to be Administrator of the Small Business Administration.

SR-428A

3:00 p.m.  
Foreign Relations  
To hold hearings on the nomination of Alexander Fletcher Watson, of Massachusetts, to be Assistant Secretary of State for Inter-American Affairs.

SD-419

MAY 6

9:00 a.m.  
Office of Technology Assessment  
Board meeting, to consider pending business.

Room to be announced

9:30 a.m.  
Joint Organization of Congress  
To resume hearings to examine congressional reform proposals, focusing on committee structure.

S-5, Capitol

10:00 a.m.  
Appropriations  
VA, HUD, and Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1994 for the Commission on National and Community Service.

SD-192

Appropriations  
Transportation Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Aviation Administration, focusing on procurement reform.

SD-138

Commerce, Science, and Transportation  
Foreign Commerce and Tourism Subcommittee

To hold hearings to examine U.S. competitiveness in the global marketplace.

SR-253

Energy and Natural Resources  
To hold hearings on S. 646, to establish within the Department of Energy an international fusion energy program.

SD-366

10:30 a.m.  
Environment and Public Works  
Superfund, Recycling, and Solid Waste Management Subcommittee  
To hold hearings to examine the health and ecological impacts of certain Superfund sites.

SD-406

2:30 p.m.  
Energy and Natural Resources  
Public Lands, National Parks and Forests Subcommittee  
To hold hearings on S. 172 and H.R. 63, bills to establish the Spring Mountains National Recreation Area in Nevada, S. 184, to provide for the exchange of certain lands within the State of Utah, S. 250, to designate certain segments of the Red River in Kentucky as components of the National Wild and Scenic Rivers System, S. 489, the "Gallatin Range Consolidation and Protection Act," and S. 577, to resolve the status of certain lands relinquished to the U.S. under the act of June 4, 1897 (30 Stat. 11, 36).

SD-366

MAY 7

9:30 a.m.  
Appropriations  
Labor, Health and Human Services, and Education Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

MAY 11

9:30 a.m.  
Joint Printing  
Meeting, to review congressional printing and other activities of the Government Printing Office.

SR-301

2:00 p.m.  
Joint Organization of Congress  
To resume hearings to examine congressional reform proposals, focusing on committee structure.

H-5, Capitol

MAY 12

9:30 a.m.  
Appropriations  
Labor, Health and Human Services, and Education Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Education.

SD-138

Energy and Natural Resources  
Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.  
Commerce, Science, and Transportation  
To hold hearings on proposed legislation authorizing funds for fiscal year 1994 for the U.S. Coast Guard.

SR-253

MAY 13

9:00 a.m.  
Agriculture, Nutrition, and Forestry  
Agricultural Research, Conservation, Forestry and General Legislation Subcommittee  
To hold hearings on proposed authorizations for the Federal Grain Inspection Service, Department of Agriculture.

SR-332

10:00 a.m.  
Appropriations  
VA, HUD, and Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1994 for the Federal Emergency Management Agency.

SD-106

Appropriations  
Transportation Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1994 for the U.S. Coast Guard, focusing on marine safety.

SD-138

Joint Organization of Congress  
To resume hearings to examine congressional reform proposals.

S-5, Capitol

2:00 p.m.  
Commerce, Science, and Transportation  
Communications Subcommittee  
To hold hearings on S. 329, to revise section 315 of the Communications Act of 1934 with respect to the purchase and use of broadcasting time by candidates for public office, and S. 334, to revise the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office.

SR-253

MAY 14

9:30 a.m.  
Appropriations  
Labor, Health and Human Services, and Education Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Health and Human Services.

SD-430

10:00 a.m.  
Appropriations  
VA, HUD, and Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1994 for the Consumer Product Safety Commission, Office of Consumer Affairs, Consumer Information Center, Neighborhood Reinvestment Corporation, Points of Light Foundation, Court of Veterans Affairs, and Office of Science Technology Policy.

SD-192

MAY 18

9:30 a.m.  
Energy and Natural Resources  
To hold hearings on S. 721, authorizing funds for fiscal years 1994-1998 for the Federal land and water conservation fund.

SD-366

2:00 p.m.  
Joint Organization of Congress  
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.

H-5, Capitol



MAY 19

9:30 a.m.

Appropriations  
Labor, Health and Human Services, and Education Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Labor.

SD-138

Energy and Natural Resources  
Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Commerce, Science, and Transportation  
To hold hearings on S. 419, to provide for enhanced cooperation between the Federal Government and the United States commercial aircraft industry in aeronautical technology research, development, and commercialization.

SR-253

MAY 20

9:30 a.m.

Rules and Administration  
Business meeting, to mark up S. 27, to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, S. 277, to authorize the establishment of the National African American Museum within the Smithsonian Institution, S. 685, to authorize appropriations for fiscal years 1994-1997 for the American Folklife Center, S. 345, to authorize the Library of Congress to provide certain information products and services at no cost, proposed legislation authorizing funds for fiscal year 1994 for the Federal Election Commission, and to consider other pending committee business.

SR-301

10:00 a.m.

Joint Organization of Congress  
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.

S-5, Capitol

MAY 21

9:00 a.m.

Appropriations  
VA, HUD, and Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Housing and Urban Affairs, and certain independent agencies.

SD-138

MAY 24

1:30 p.m.

Appropriations  
Labor, Health and Human Services, and Education Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1994 for the Public Health Service, Department of Health and Human Services.

SD-192

MAY 25

9:30 a.m.

Energy and Natural Resources  
To hold hearings on S. 544, to protect consumers of multistate utility systems, and an amendment to S. 544, to transfer responsibility for administering the Public Utility Holding Company Act of 1935 from the Securities and Exchange Commission to the Federal Energy Regulatory Commission.

SD-366

2:00 p.m.

Joint Organization of Congress  
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.

H-5, Capitol

MAY 26

9:30 a.m.

Appropriations  
Labor, Health and Human Services, and Education Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Institutes of Health, Department of Health and Human Services.

SD-116

Energy and Natural Resources  
Business meeting, to consider pending calendar business.

SD-366

MAY 27

10:00 a.m.

Appropriations  
VA, HUD, and Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1994 for the Department of Veterans Affairs.

SD-106

Appropriations  
Transportation Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Highway Traffic Safety Administration, focusing on drunk driving.

SD-138

Joint Organization of Congress  
To resume hearings to examine congressional reform proposals, focusing on floor deliberation and scheduling.

S-5, Capitol

MAY 28

10:00 a.m.

Judiciary  
Immigration and Refugee Affairs Subcommittee  
To hold hearings on S. 667, to revise the Immigration and Nationality Act to improve the procedures for the exclusion of aliens seeking to enter the United States by fraud, and on other proposed legislation on asylum issues, and to examine the implementation of immigration laws on preventing terrorism.

SD-226

JUNE 10

10:00 a.m.

Appropriations  
VA, HUD, and Independent Agencies Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1994 for the National Aeronautics and Space Administration.

SH-216

JUNE 18

9:30 a.m.

Appropriations  
Labor, Health and Human Services, and Education Subcommittee  
To hold hearings to examine waste, fraud, and abuse in the Government, and ways of streamlining Government.

SD-192

JUNE 21

9:30 a.m.

Appropriations  
Labor, Health and Human Services, and Education Subcommittee  
To hold hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

1:30 p.m.

Appropriations  
Labor, Health and Human Services, and Education Subcommittee  
To continue hearings on proposed budget estimates for fiscal year 1994 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

## CANCELLATIONS

APRIL 29

10:30 a.m.

Judiciary  
Business meeting, to consider pending calendar business.

SD-226

## POSTPONEMENTS

APRIL 29

9:30 a.m.

Commerce, Science, and Transportation  
To hold hearings to examine the North American Free Trade Agreement's effects on U.S. competitiveness.

SR-253

Governmental Affairs  
To hold hearings to examine the rebuilding of the Federal Emergency Management Agency in an effort to be prepared for the next possible disaster.

SD-342